

# **RICHLAND COUNTY SHERIFFS DEPT**

5623 TWO NOTCH RD COLUMBIA, SC 29223

803-576-3000



Case #:2005037816

OtherEvent #: CID210400705

## **Suspect (1)**

1

## **Victim (1)**

1

## **Narrative (1)**

Truluck, Cris 1554

04/05/2021

### **Jaden Phillips Boating accident 05/16/2020**

On 02/04/2021 I was asked by Chief Smith to look into the details surrounding the case involving a boating accident that caused the death of Jaden Phillips that occurred May 16th, 2020 on the Congaree River. I was given basic details and a few written reports such a Boating Accident Report, several witness statements that Department of Natural Resources had obtained during their investigation, 911 calls made to surrounding agencies and to DNR dispatch, body cam footage from Deputy Brigman and a brief synopsis of the incident. I learned that four days after the accident Jaden Phillips passed away from his injuries and that was when DNR became involved. DNR completed their investigation involving this incident but some issues arose with the Phillips family regarding Richland County Sheriff's Departments involvement and the conclusion of DNR's investigation. I was tasked to review the case and submit my findings.

I met with Sabria and Shanye Philips (the parents of Jaden Phillips) on two separate occasions separately so I could find out what their concerns were. I was told that it was Jaden's birthday and Shayne had organized a camping trip on the Congaree River with Jaden and some close friends. After setting up camp Jaden and some friends went to the sandbar which is a common hangout spot on the river. Jaden later left the sandbar in Irvin Eckrote's boat and while en route back to the camp site Eckrote wrecked into a down tree and it is believed the injuries sustained to Jaden's eventually caused his death. After the collision Jaden was taken to the Bates boat landing and calls were made for assistance. The Phillips are very upset with Deputy Brigman who responded to the boat landing the day of the incident after numerous 911 calls had been made. Deputy Brigman never conducted any type of investigating surrounding the boating accident nor did he ever call for DNR to respond. Deputy Brigman spoke to several witnesses at the boat landing including Irvin Eckrote. By now, almost 9 months later, the Phillips had received Deputy Bridgman's body camera footage from that day and some of the case files from DNR that included statements from witnesses. The Phillips stated during the four days that Jaden was in the hospital until he passed they assumed that RCSD or DNR were actively investigating the incident and Irvin Eckrote would have been arrested for death of their son. DNR started their investigation on May

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23rd, 2020 seven days after the accident. The Phillips contend that the non-actions of Deputy Brigman and a reserve deputy who was riding with Deputy Brigman is the reason Eckrote was never charged with Jaden's death. The Philips both told me that Eckrote was drinking that day and knew he was intoxicated and should not have been operating a boat. Sabria provided me with a short video that Jaden had taken and sent out to social media that showed Irvin walking on the sandbar and Jaden says "Look at Irv he is fucked up." Eckrote while holding what appears to be a beer in his hand pretends to start walking a straight line similar to the walk and turn test used by Law Enforcement to determine if someone is intoxicated. This video was taken at 7:05 pm. Contact was made with Eckrote by DNR once they began their investigation; however, he requested a lawyer and never provided a statement to them. On 12/28/2020 Eckrote was arrested by DNR for Negligent Operation of a Water Device and Boating under Suspension. Eckrote bonded out the following day and no additional charges were ever made. The Phillips met with Solicitor Dan Goldberg and expressed to him their concerns about Eckrote never being charged for Manslaughter. Solicitor Goldberg explained that due to the delay of Law Enforcements involvement and the findings of the completed investigation by DNR there was insufficient evidence at this time to charge Eckrote for Jaden's death. During my conversation with Shayne I asked what he thought actually caused the boat crash and his answer was besides alcohol and speed he was told Eckrote was on his phone and not paying attention. Shayne described Eckrote boat as being very fast and the motor was a Mercury 150 which is way too big for the boat. Shayne said Eckrote has an elaborate sound system that is operated by Blue Tooth through his phone and he is constantly playing with it. Shayne knew a lot about Eckrotes boat because he helped him build it. Shayne described his relationship with Eckrote as being "best friends" and that Jaden and Eckrote were also best friend. Most everyone involved in this case and who were at the river on this camping trip are all close and associated with each other frequently. This group of friends all has river boats and seem to have plenty of experience on boats and the river.

After reviewing what basic information that had been provided to me so far I learned from DNR's Boating Accident Report Eckrotes estimated speed was between 30 to 39 mph, he struck a fixed object and the contributing causes of the crash was due to No look out and Careless/Reckless operation. Several calls had been made that day to 911 after the crash and were all done from the Bates boat landing. The calls were volleyed from Calhoun County, Orangeburg County, Lexington County, Richland County and DNR dispatch. DNR dispatch was involved in at least three calls that they either received or forwarded to other agencies. County 911 operators were confused as to where the boat landing was or what jurisdiction the boat landing was in. Richland County would eventually get the call and respond. Richland County Sheriff's Department was also requested regarding a head injury and an intoxicated subject. This is when Deputy Brigman was dispatched and responded.

On 02/10/21 I spoke with Robert Boyd and arrangements were made to meet so I could get talk with him regarding this incident. Boyd was one of the individuals present at the boat landing who made a call to 911 and is seen on Deputy Brigmans body cam saying Richland County had gotten calls from 911 and DNR. I met with Boyd at 1202 hours and he provided me with a verbal statement as to what he recalled

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the day of the incident. Boyd said he met the group earlier in the day at the sandbar and had a few beers with them and would leave a few hours before they did to head back to Bates boat ramp to help a buddy load up his boat. Boyd said there was about 200 people out on the sandbar that day and everyone was drinking, however, even though he saw Eckrote drinking he didn't notice him to be highly intoxicated. Once back at the boat ramp Boyd said that Eckrote approached the boat ramp at a high rate of speed yelling for help. Boyd saw three people in the boat who were Eckrote, Jaden and "the real drunk guy" later identified as Will Greenwell who was a friend of Eric Langen. Eric was also on the camping trip and was the first person to arrive at the scene where Eckrote crashed into the tree. Boyd said he jumped in the boat to help get Jaden out and was joined by an off duty EMT and a nurse. The EMT Boyd is referring to is Paul Cato and the nurse is Charity Wood. Boyd said that Jaden's condition looked to be pretty bad and that he was bleeding from the back of his head. Once they were able to get Jaden out of the boat Boyd said that he called DNR Officer W. Lambert and advised him there had been a real bad boating accident on the river and he also called 911. Boyd noticed that Eckrote was in a state "shock" and was unable to tell if he was drunk or not but appeared to be normal. A few things that Boyd said he noticed about the boat was the excessive amount of empty beer cans (possibly Bud Light) they had to move around when trying to help get Jaden out of the boat, the Callen (motor cover) on the motor was damaged, the tower around the motor damaged and one of the speakers was dangling from its mount. Boyd stated he later asked Eckrote what happened and was told they were "cutting the river" and hit a tree. Boyd explained that cutting the river is when someone is riding close to the bank around a bend in the river.

After my interview with Boyd I made contact with Lt. Tony Spires with DNR and request to meet with him to discuss the case and get a copy of their case file. Lt. Spires advised he would have Officer April Smith get in touch with me and provide me with whatever I needed. I then contacted Paul Cato and arrangements were made with him to meet the following day. Paul was the off duty EMT that assisted with Jaden when he was brought to the boat ramp by Eckrote.

On 02/11/2021 at approximately 8:15 am I met with Paul Cato and we spoke about his involvement and what if any information he could tell me about the incident. Paul currently works at the International Paper Company on 301 as a certified EMT. According to Paul he had been out on the river the same day visiting friend at other camp sites and even stopped off at the sandbar for a while. Paul recalls seeing Eckrote's boat at the sandbar but never spoke to him or the group he was with. Paul explained that he has seen Eckrote's boat on the river numerous times and Eckrote's boat is well known for its speed which is why he recognized it that day. Paul added that prior to this incident he saw a Snapchat video of Eckrote videoing himself doing 76 to 77 mph on the river. Paul said he left the sandbar before Eckrote did and headed back to the boat ramp. Once at the boat ramp he loaded his boat up and then began to help a buddy, George Lambert aka Tre load up his boat. As Paul was backing Tre's truck up into the water he heard Tre yelling and screaming to him for help. Paul looks and sees Jaden in Eckrote's boat and immediately tells them to pull up to the dock and tie off. Paul ran to the boat and noticed vomit, urine and beer cans all over the floor of the boat. Paul estimated 9 to 12 beer cans that he thought was Busch

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Light. Paul also remembered seeing a cooler in the boat and identified as being Eckrotes from a picture that was taken earlier in the day. Paul said he began trying to work on Jaden but was having a difficult time because Jaden was slumped over and Paul noticed he would only take a breath every 8 to 9 seconds. Jaden's head was wrapped in a shirt so Paul briefly removed the shirt to assess his injuries and knew his condition was not good. Paul said Jaden's head would need stitches; he had an extremely large lump on his forehead and numerous marks and abrasions on the upper part of his body. Paul stated he got in Eckrotes face and asked him what happened. Eckrote told Paul they were riding through the swamp and he told Jaden to duck to avoid a limb but Jaydon didn't do so in time. Paul immediately said he knew this not to be true based on Jaden's injuries and during this face to face encounter with Eckrote he could smell alcohol, noticed his face was red and his pupils were "big as baseballs." Paul didn't know how intoxicated Eckrote was but only knew he had been drinking and possibly would have been over the legal limit but didn't know for sure. When asked if he noticed any injuries on Eckrote Paul said he didn't. Once the ambulance arrived Paul said he assisted with loading Jaden up and continued to help until he could be relieved by more EMT's. Paul said after EMS had left Eckrotes boat had been pulled out of the water and he noticed a large dent in the right side of the boat and one of the speakers that were mounted to the tower was hanging down. To Paul the damage to the boat and the injuries that Jaden sustained solidified his assumption that this incident was a lot more than just Jaden hitting his head on a limb.

On 02/12/2021 at approximately 3:00 pm I spoke with George "Tre" Lambert regarding his involvement the day of this incident. Tre said he had been out on the river most of the day with his family and Paul Cato. They had been at the sandbar and he spoke to Jaden, Eckrote and Shayne while he was there. Around dusk to dark Tre said they headed back to the boat landing to load up his and a buddy's boat. While at the boat landing Tre noticed Eckrote approaching the landing at a high rate of speed and thought Eckrote was either showing off or something was wrong. Tre said as Eckrote was turning into the boat landing he saw "the drunk guy" (identified as Will Greenwell) throwing up and at the same time he noticed Eckrotes eyes wide open and panic stricken. Eckrote jumped out of the boat and left Jaden and Will together while and telling Tre "you got to help me, you got to help me!" Eckrote ran past Tre to his truck saying "I got to go, I got to go" and began backing the truck and trailer into the water. According to Tre he assumed Eckrote was going to take Jaden to the hospital himself. As Eckrote was headed to his truck Tre asked Eckrote if 911 had been called and Eckrote frantically told him no, "I got to go, I got to go" Tre said he then realized a lot more was going then he originally assumed. Tre said he then jumped in the boat and saw that Jaden was slumped over leaning up against a gun box and was gurgling every time he took a breath. Tre stated the whole time they were helping Jaden his breathing was never normal. Tre noticed injuries to the front and back of Jaden's head so he sat Jaden straight up. Tre would also later see some injuries on Jaden's side as they put him into the ambulance. Tre yelled for Paul to help him and by now Paul and Eckrote was in the boat helping with Jaden. Tre explained that he knew Paul was an EMT who works for International Paper and knew him to respond to incidents such as vehicle crashes. Tre then got out of the boat and called 911 and described the injuries he observed on Jaden to dispatch. The call went through Calhoun and Richland County dispatch and he describe having a difficult time explaining where he was and only knew the location to be Bates Boat Landing. As all this was going on Will Greenwell who was extremely intoxicated began trying to fight with Tre at which time Tre had to body slam him to the ground and have someone remove Will from the scene. As Paul and others where

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tending to Jaden Tre walked his 10 year old son to their vehicle and when Tre returned EMS and RCSD had arrived and were putting Jaden in the ambulance. Paul's assistance was still needed so he got into the ambulance and continued to help until additional personnel arrived.

Tre was asked to describe what he noticed about Eckrotes boat and Tre described that he noticed the vomit in the boat, a broken speaker that was either hanging down or turned around and about four beer can was all he could recall. Tre said he also noticed that Jaden's clothes were only damp and not completely wet. Tre stated that while he was speaking with Deputy Brigman Paul returned to the boat ramp and according to Eckrote he told Jaden to duck and was hit in the head by an overhanging limb. Tre stated he didn't think that Deputy Brigman actually saw Jaden's injuries because Jaden was already in the ambulance when they arrived which was probably why Deputy Brigman did not think the situation was as bad as it actually was.

Tre described his relationship with Eckrote as knowing him for 10 to 15 years and actually met Jaden and Shayne through Eckrote. Tre said they all have been on the river and camping together in the past numerous times. Eckrote was always known to be experienced on the river and to have fast boats. Tre also knew Eckrote would buy boats, fix them up and then sell them for a profit. Tre said he had only seen this particular boat that Eckrote currently has several times. I asked Tre what he remembered about Eckrote on the sandbar the day of this incident related to how much he had to drink. Tre said everyone on the sandbar had been drinking including Eckrote but only noticed him to be casually drinking and could not say if he was drunk or not. Tre stated once Eckrote arrived at the boat landing after the accident he seemed to be very attentive and alert and did not appear to be drunk to Tre. When asked what he thought happened Tre said that he felt only Eckrote and Jaden knew exactly what occurred. Tre then gave an example of having experienced driving on the river, look down at his phone while one hand was on the tiller handle and when he looked up he was headed to the other side of the river. Tre said he has spent years on the river so I showed him a picture of the tree that Eckrote hit and its position in the river and he agreed you would have to be hugging the bank too close or possibly on your phone.

On 02/15/2021 I received a call from Officer April Smith and arrangements were made for us to meet the following day at the RCSD Pineview Office so we could discuss the case and to get a copy of the case file. On the morning of the 16th I met with Officer Smith and she discussed her finding with me and would later provide me with a thumb drive of her complete case. Based on Officer Smiths Investigation Eckrote was only charged with Negligent Operation of a Water Device and Boating Under Suspension. Eckrote boating privileges were suspended due to a Boating Under the Influence charge from 2016.

According to Officer Smith due to the delay of their involvement that was all she could charge and this was after consulting with the solicitor's office. I inquired about Eckrotes cell phone and Officer Smith stated she had a search warrant for his phone and in December of 2020 their departmental attorney contacted Eckrotes attorney and advised him of the two arrest warrants and the search warrant for his phone. When Eckrote turned himself in Officer Smith asked about the cell phone and she was told

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Eckrote no longer had it. It should also be noted that Jaden's cell phone was recovered and has since been turned over to Agent VanHouten with the Secret Service. The phone is currently connected to a device that is attempting to bypass the passcode so that its content can be revealed. I would later make contact with Hannah Brown and schedule to meet with her the following day. Hannah and Eckrote have a child together and according to Sabria Phillips she possibly has some information to share with me.

On 02/16/2020 I met with Hannah Brown to discussed what she knew about the incident. Even though she was not there that day she was aware of some the events through a friend. Hannah said she is still in contact with Eckrote but only regarding their daughter. Hannah said she hasn't talked to the Phillip's family since the funeral until the Friday before I met with her. Hannah got a called from Sabria Phillips asking her if she would talk to me. Hannah said she knew that Eckrote was going camping for Jaden's birthday and it wasn't until the following day that she learned Jaden was in the hospital. Hannah stated she saw a Instagram post made by Shayne Phillips that Jaden was in the hospital with a brain injury. Hannah contacted Eckrote and asked him what happened and was told by Eckrote they had been in a boat accident. Eckrote said he and Jaden were going up river after leaving the sandbar and there was a tree hanging over the river. According to Eckrote he said Jaden was on his phone and he told Jaden to duck to avoid being hit by a limb, however, when Jaden looked up from his phone he was hit in the head. Hannah said that was all Eckrote ever told her about the accident and they haven't talked about it since. In July or August Hannah said she met with Eckrote regarding their daughter and she asked him if he had talked to Shayne. Eckrote told her that he attempted to speak with him early on but the family did not want to talk to him. Before Jaden's funeral Hannah said was contacted by Will McAllister who requested she tell Eckrote that he was not welcomed at the funeral. Will is a close friend to Shane Phillips and Eckrote and he found it very difficult to have to tell Eckrote so he asked Hannah to tell him. Hannah said when she told Eckrote he was not welcome at the funeral he became very upset and cried.

Hannah said she felt that Eckrote's friend, Eric Langen, knew what happened because they are very close but she didn't know for sure if he actually saw the crash or not. Hannah stated she knew that both Jaden and Eckrote had been drinking that day because a friend of Jaden's (Karsen Manning) posted a video of Eckrote on the sandbar where he was obviously intoxicated to her while holding a beer. This was the same video that I had already obtained from Sabria Phillips where you can hear Jaden say "Irv you is fucked up" and Eckrote begins to walk a straight line. Hannah stated Eckrote has a history of being intoxicated on the river and his drinking played a role in their break up. Hannah said on the day of this incident she heard Eckrote was drunk earlier in the day and had even lost his work Ipad. Hannah did not have much more information to add and what she did say was pretty much what she had heard from other people beside what Eckrote had actually told her. Hannah said she knew a friend of hers, Kelley Melvin, was at the sandbar that day and might have some additional information regarding the day of this incident. Hannah gave me Kelley's phone number and said she would let her know I would be calling her.

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Karsyn Manning had written an email to a Ken Simmon that was sent on August 4th, 2020 regarding this incident and Sabria Phillips provided me with a copy. Karsyn and Jaden were really close friends and on the day of this incident she was at the beach with her family while he was out camping on the river. Karsyn notes in her email about text messages she had with Jaden and some videos that he had sent her. Some of these text, videos and Facetime calls were about Eckrote and how intoxicated he was. I read the email and made contact with Karsyn and we discussed it. What Karsyn wrote in her email was exactly what she told me during our conversation. According to Karsyn while she was at the beach she and Jaden had been texting back and forth throughout the day. Just before Karsyn was about to leave the beach around 7:04 pm she received a text from Jaden saying "Irvin about asleep rn" meaning Irvin Eckrote about asleep right now. Karsyn said she interpreted this message to mean Eckrote was intoxicated and that they were "raising hell." Karsyn prefaced this statement by saying even though the text message doesn't directly say they were drinking she knew exactly what Jaden meant by it. Just after this text Karsyn said she received a Facetime call from Jaden while at the sandbar and he showed her Eckrote "laid out on his boat drunk" while docked up on the sandbar. Karsyn said just a few minutes after this facetime call she received the video from Jaden where he is videoing Eckrote saying "You is fucked up." Karsyn got a phone call from Sabria that same night informing her Jaden had been in a boating accident and he was currently having surgery on his brain. Karsyn would later send Eckrote a text asking him what happened and his reply was on the lines of "I don't know, he's is going to be ok just pray." In Karsyn's email she expresses her concern of why she was never contacted by anyone regarding the text messages that would show that Eckrote was intoxicated. I did not have an answer for that but did express to her that unfortunately the text messages and the video she had alone would never legally be able to prove exactly how intoxicated Eckrote was.

On 02/17/2021 I met with Tim Staples and would take a statement from him as to his knowledge regarding this incident. Tim was not present the day of the camping trip but has known the Phillips family since Jaden was 9 years old. Tim said he has spent a lot of time with the family over the years and actually introduced Shayne to the river and swamp. Tim said he found out about the accident from Sabria Phillips since he missed this particular trip. On May the 18th or 19th 2020 Tim said he spoke with Eric Langen and asked what had happened regarding the boating accident. Tim said Eric told him the accident happened so quick and they had all been at the sandbar drinking that day. Shayne had gone back to the campsite to fix dinner before they (Eric, Brice Kelly, Eckrote and Jaden) left the sandbar to head back. Tim was told by Eric that he and Eckrote had pulled away from the sandbar together and Eckrote went ahead due to Eckrote's boat being faster than Eric's. Eric told Tim that he was doing about 25 mph in his own boat and when he came around the bend in the river he saw the tree that Eckrote crashed into still shaking. When Eric pulled up to Eckrote he saw that Jaden was lying over the side of the boat gurgling to breathe. Eric asked Eckrote what happened and if the sun was in his eyes when he came around the bend because Eric told Tim the sun was in his eyes. According to Eric he told Tim that Eckrote said it was not the sun that he was on his phone. Eric told Will Greenwell (extremely intoxicated) to get in Eckrote boat and to keep Jaden's airway open so he could breathe. Eric said he told Eckrote to call 911 and he was going to get Shayne and let him know what happened. Tim said Eric never told him how Eckrote's boat got out of the tree top. On May 21st Tim said he went back to the river to see exactly where the crash occurred and to take some pictures. I showed Tim some of the pictures and a video that

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I had gotten from Sabria of the tree and he confirmed those were the ones he took and sent to her. While driving to the river Tim said he and Eric spoke and talked about how Eckrote and the Phillips were doing. Eric told Tim to send him some pictures once he got to the crash site and Eric would let him know if he was at the right spot. Tim said he told Eric he that he couldn't quit thinking about the accident and how it occurred and that didn't make sense to him. According to Tim Eric agreed and told Tre he didn't understand it either and that he even saw it happen. Tim was reading this conversation to me from text messages he had saved on his phone. On this same day Tim went out on the river and found the tree that Eckrote ran it to and would take several pictures and make a short video of him coming around the same bend and stopping just short of the tree that was hit. This would be the same video and pictures provided to me by Sabria.

On 02/17/21 I made contact with Bryce Kelly and we would meet the following day to discuss the incident. Bryce said the day of the incident they all put in at the Bates boat ramp and went to the campsite to set up. After setting up at the camp site Bryce said he drove his boat by himself to the sandbar and met up with some of the other guys that were camping. Bryce stated they stayed at the sandbar for four to five hours and during that time everyone was drinking, hanging out and listening to music. Bryce didn't notice that Eckrote was drunk just drinking with the rest of them. Eric Langen later showed up telling everyone to head back to the campsite for dinner. According to Bryce Eckrote and Eric left together and he went to the Oxbow and the swamp. Bryce said while he was riding around Tre called him and told him Eckrote and Jaden had been in an accident but not to come to the landing. Bryce said he sat there for a few and decided to head to the landing anyways. Once Brice arrived at the landing he saw either the ambulance or the sheriff's department leaving (couldn't remember which) at which time he got his truck and pulled his boat out. Bryce said he then hung around at the boat landing and was talking with Eric, Eckrote, Winston, Travis and some others. Bryce said Eckrote was crying sitting on the tailgate of the truck and he heard him talking with Sabria on the phone checking on Jaden. Brice asked what happened and was told the sun got into his eyes and they were too far over (close to the bank) and a tree was hanging over. Eckrote told Jaden to duck but he didn't do so in time. Bryce first said it was Eckrote who told him the sun was in his eyes but when I asked for clarification he wasn't exactly sure if it was Eric or Eckrote who told him that because they were all standing together. Brice stayed at the landing for a while later and say Eckrotes girlfriend, Jenna showed up with a friend and he would then go home after that.

On 02/18/2021 I spoke with Kelly Melvin after being told she was at the sandbar the day of this incident. The following day I met with Kelly and she confirmed to me that she was at the sandbar with her husband and was there between approximately 11:00 am to 5:00 pm. Kelly spoke to Eckrote, Jaden and some of their other friends. Kelly said she specifically spoke to Eckrote and Jaden that day and remembered Eckrote being visibly intoxicated and that Jaden did not appear to be. Kelly left the sand bar before they did and she has only heard that Eckrote was riding too close to the bank and struck a tree and that once they got back to the landing DNR was never called. Kelly did not have any other information to add at this time.

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On 02/23/2021 I and Inv. Grill met with Eric Langen at his residence in Lugoff. Eric said he had been invited to go camping for Jaden's birthday. After arriving at the campsite a group of them went to the sandbar including Eric. Eric went to the sandbar with Winston and left his boat at the campsite. Eric said he didn't like leaving his boat and on top of getting a migraine decided he would go back to the campsite with Winston. Eric stayed at the campsite with Winston until dinner which was when he and Will rode back to the sandbar to get Eckrote, Jaden and Bryce for dinner. Eric and Eckrote left the sandbar about the same time with Jaden in Eckrote's boat and Will in Eric's boat. I asked about their speed and Eric said his boat will do about 40 mph and he was about half throttle. Eckrote's boat was faster and he had pulled ahead of Eric. Eric said when he came around the bend where the accident occurred the sun was in his eyes but he could see the silhouette of the trees shaking and as he got closer realized Eckrote had crashed into the tree. Eric said Eckrote was about 100 yards in front of him. When Eric first pulled up he saw Jaden leaning over with his arm hanging off the side gurgling while trying to breathe. Eckrote was standing up in the boat asking Eric, appearing to be in shock "What do I do?" Eric said Eckrote's boat was up in the tree and his fishing poles were all tangled up in the limbs. Eric told Will to get in Eckrote's boat and to keep Jaden's airway open. Eric then told Eckrote to call 911 and tell them to meet you at the boat landing and to go now. Eric acknowledged Will was very intoxicated and had been drinking moonshine out on the sandbar. According to Eric Will, who is his brother in law, is not a drinker and guzzled the moonshine like water. Eric left to get Shayne and told him Jaden and Eckrote had been in an accident and he needed to meet them at the boat ramp as soon as possible. Eric went back to the campsite and he and Winston packed everyone's stuff up and wouldn't make it back to the boat ramp until 10:30 that night. Eric had also pulled Shayne's boat back to the landing and would take it home until Shayne could come get it the following day. Once back at the boat landing Eckrote and some of the others were still there and he asked Eckrote what happened. Eric said Eckrote told him that he was looking at his phone at the time. They discussed Jaden's condition and how he was unresponsive at which point Eckrote broke down crying. Eric said he and Eckrote later talked about it again and Eckrote denied to him that he ever said he was looking at his phone. Eckrote claims he told Eric that Jaden was the one looking at his phone and when he said duck Jaden must not have heard him. We talked about the sun being in Eric's eyes several times and Eric insisted that was exactly what happened and he had no reason to be dishonest. A couple of other issues were discussed again which was regarding how intoxicated Eckrote was and how fast he was going. Eric knew that Eckrote had been drinking but could not say that he was drunk nor did he think that he was going as fast as "everyone is saying". According to Eric if he would have been going as fast as Eckrote's boat would go he would have gone right through the tree top. Eric also provided me with Will Greenwell's information and said he spoke to Will about the incident and doesn't remember a thing.

On 02/26/2021 I met with Winston Donahue at his residence and he would discuss with me what he knew about the incident. Winston said he is friends with everyone involved and went on the camping trip for Jaden's birthday as well. On the day of this incident Winston said they first went to the campsite and set up and then to the sandbar. Winston stated they stayed at the sandbar for a while until he, Shayne, Will and Travis went back to the campsite to eat. Some of the group wanted to go riding on the river but Winston decided he would go fishing. Winston said he went up river and was fishing when Eric

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found him and told him Eckrote and Jaden were in a real bad accident. Eric told Winston Eckrote was scratched up but Jaden was not doing well. Eric and Winston then went back to the campsite and packed up everyone's belongings and headed to the boat ramp to meet everyone else. Winston said he also pulled Shayne's boat back and could only go about 5 mph which was what took so long for them to get back to the landing. Once Winston and Eric arrived back to the landing Winston said it was late but most of everyone who went camping was still there. Winston said he spoke with Eric about the accident and was told he and Eckrote was somewhat riding beside each other with Eckrote riding on the inside. Eckrote would pull ahead of Eric and he briefly lost sight of him, however when Eric came around the bend he tells Winston the sun was in his eyes but he could see the tree shaking. Winston said he remembered that day and agreed there was a bad glare on the water from the sun. As Eric got closer he told Winston he saw Eckrote's boat up in the tree and Jaden was lying over the side.

Winston said once he got back to the boat ramp he spoke with Eckrote who told him that he was looking down at his phone changing a song and when he looked up he yelled for Jaden to duck but it was too late. Winston confirmed that Eckrote was the one who told him this that same night at the boat landing. I had Winston confirm this because Eric also says Eckrote told him the same thing even though Eckrote would later deny he told Eric that. Winston confirmed that everyone including Eckrote had been drinking that day but he never saw Eckrote "stumbling drunk." Winston described Eckrote's demeanor as being in a daze and not talking much. He was visibly upset and broke down crying at one point. Eckrote's girlfriend, Jenna also arrived at the landing and drove Shayne's truck home. Winston was asked if he noticed any damage to Eckrote's boat and he remembered a dent on the front, the speaker mount broken on the tower and saw blood in the boat. Winston left later that night and said he has hardly spoken to anyone from the group since this incident. Winston has seen Eckrote twice since the accident but it was real brief and they did not discuss it.

On 03/01/2021 I met with Charity Wood and spoke with her regarding her involvement in this incident. Charity was at the boat landing fishing when Eckrote pulled up with Jaden in the boat and she would also call 911. Charity said after Eckrote pulled up there was a lot of commotion going on and she noticed Jaden lying in the boat unconscious and having difficulty breathing. Charity heard screaming and said she ran up to the boat to see if she could help, however, by then Paul Cato and others were in the boat helping. At this point Will Greenwell was being a problem and Charity said she was trying to keep him from falling in the water due to being so intoxicated. Will had to be removed from the area and put in someone's vehicle because he was causing such a disturbance. Charity said she was told that Jaden was hit by a limb but due to his visible injuries she did not believe that was what actually occurred. In Charity's opinion was Jaden was ejected from the boat and hit by the propeller, however, there is no evidence or statements that I have taken that support her theory. Charity stated a lot of boats were racing back and forth in front of the landing and eventually all pulled in. Charity said she never noticed any damage to the boat but observed five to ten beer cans and that most of the people present had been drinking and were slurring their words. Charity was one of the 911 callers and she was curious why no one else had called before her since they all had cell phones. As we spoke Charity said she didn't even remember

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calling 911 nor did she recognize Eckrote when I showed her a photo of him. Charity added that the driver of the boat told her he ducked but Jaden didn't and remembered he was "abnormally calm." In Deputy Brigmans body cam footage Charity, Eckrote and Robert Boyd are all standing together so I enquired about Robert Boyd calling 911. Charity said she couldn't say if Boyd call 911 or nor and she didn't recall seeing or hearing him on the phone.

## **Summary and Conclusion**

On 02/04/2021 I began looking into this incident involving a boating accident that occurred on the Congaree River which resulted in the death a Jaden Phillips. This incident occurred on 05/16/2020 after Jaden Phillips, his father Shayne Phillips and a group of friends organized a camping trip on the Congaree River for Jaden's birthday. Everyone who went camping that I spoke with attested they brought their own alcohol and supplies and no one person supplied all the alcohol for this trip. This is nothing out of the ordinary for this group because they have all somewhat grown up on the river and socialize together as friends or working on each other's boats. On this particular day after the group had set up their camp site some went fishing, some stayed at the camp site and some went to the sand bar. The sand bar is a known gathering spot where people get together and party. Jaden Phillips and Irvin Eckrote had been at the sandbar from approximately 2 pm to around 7:30 pm that day. They arrived at the sand bar in different boats but left together at the end of the day to return to the camp site for dinner in Eckrote's boat. On the way back to the campsite Jaden was sitting in the front of the boat facing the rear and Eckrote was driving seated in the very back facing the front. Eckrote came around a bend in the river and ran into a very large tree that had fallen over from the river bank. The roots to this tree were still intact to the river bank and the top was very large and exposed to the top of the water. When Eckrote hit the tree his boat went completely up into the tree top and this is how Jaden received the injuries that would four days later cause his death. Soon after a second boat would come around the bend being driven by Eric Langen and see Irvin's boat completely up into this tree top, Jaden slumped over the side of the boat unconscious and Eckrote "freaking out" asking Eric "What do I do?" Eckrote's boat was pulled out from the tree top and a passenger from Eric's boat, Will Greenwell, rode back to the 601 boat landing with Eckrote and Jaden. Eric told Eckrote to call 911 and let them know he would meet them at the landing and for him to "go now!"

Once Eckrote arrived at the boat landing with Jaden the scene became total chaos due to people being under the influence to by standards yelling for help and for someone to call 911. An off duty EMT, Paul Cato who was not involved but present and the boat landing when Eckrote arrived began assisting with Jaden's injuries. Paul said as soon as he saw Jaden he knew the injuries to his head along with his periodic breathes (one every 5 to 10 seconds) were life threatening. Paul also noted seeing 12 plus Bud Light beers cans all in the bottom of the boat that he remembered having to kick out of the way along with throw up and what smelled like urine.

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A number of 911 calls were made that volleyed from Calhoun County to Orangeburg County to DNR and Richland County. At least three contacts were made with DNR dispatched "Cole." During each of these contacts it was only mentioned there was an unconscious subject with a head injury and the subject had arrived by boat. There were no inquiries about how exactly or where this happened. Richland County Sheriff's Department was eventually dispatched and Deputy Brigman arrived on scene. Deputy Brigman would observe the boat, saw Jaden in the Ambulance and spoke to several subjects who were assisting at the boat landing to include Irvin Eckrote, the driver of the boat. Eckrote would tell Deputy Brigman that a limb was hanging over the river and he told Jaden to duck which he didn't do in time and was struck in the head. Once Jaden was transported from the boat landing Deputy Brigman cleared the scene. I did speak with Deputy Brigman who advised he just did not know to call DNR to confirm if they were en route or if they had even been called.

What I have gathered from my interviews is that Eckrote had been drinking all day. Jaden had also been drinking but not very much. Jaden even made a comment to one witness that he wasn't getting drunk even though it was his birthday out of respect for his grandparents. Jaden recorded a video of Irvin just before he and Eckrote departed from the sad bar where Irvin is holding a beer and Jaden makes a comment "Look at Irv he is fucked up." In the video Eckrote begins to pretend walking a straight line insinuating he is not drunk. Out of all the witnesses I have spoken to everyone agrees that Eckrote probably had too much to drink and should not have been operating the boat, however, no one remembers seeing him stumbling or falling down drunk. Another account of Eckrote from a witness is that he was seen passed out on the front of his boat but I have nothing to support that nor do I have any reason to dispute it. Two witnesses have stated to me Eckrote told them as they were headed back to the campsite he was looking at his phone when he crashed into the tree. This along with driving 30 to 39 mph on the water, riding too close to the bank and drinking are all contributing factors to this crash.

DNR did charge Irvin Eckrote in December of 2020 for Reckless operation of a Vessel and Operating a boat under suspension. Each charge carries no less than a fine and 30 days in jail. Jaden Phillips family is clearly upset with the results of the investigation feel Ekrote should be in prison. Irvin Eckrote retained a lawyer as soon as DNR made contact with him and has refused to tell his side of the events. Irvin Eckrote is actually the only eye witness to the event who could tell exactly what occurred. Irvin was also best friends to Jaden and his father Shayne Phillips. My understanding is that Eckrote was very close to the Phillips and this incident had obviously ended that relationship along with the group of friends that all hung out together before this accident. According to everyone I have spoken to Eckrote has not talked about this incident or spoken to any of his friend since this occurred. At my request Eric Langen reached out to Eckrote in an attempt to have him tell exactly what occurred, however, Eckrote refused and told Eric he has a lawyer and had nothing to say.

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<b>Officer (2)</b>		
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<b>Reporting Officer:</b>	Truluck, Cris (1554)	04/05/2021 09:01:00
<b>Approving Officer:</b>	Truluck, Cris (1554)	04/26/2021 15:01:08