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PRESS RELEASE

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Victim's Father Asks that Son's Killer be Given Probation in Deadly Boat Case

After listening to a plea for leniency from the victim's father, a former Chico resident was given probation in Butte County Superior Court today to charges involving a Boating under the Influence case on Lake Oroville that left one person dead and another severely injured.

Brandon Michael Smith, 31, was driving a speed boat filled with 5 passengers on the North Fork of Lake Oroville on May 13, 2018 when he collided with the shoreline. The collision ejected Walter Drew Gerken, 27, of Paradise, from the boat, killing him. A 19-year-old female was also ejected from the boat and sustained major injuries to her left leg. The other passengers sustained minor injuries as well.

State Parks Rangers were called to the scene of the collision and determined Smith was intoxicated at the time of the collision and was also driving too close to the shoreline without an adequate lookout positioned on the boat.

Smith pled guilty to charges of Vehicular Manslaughter in the Operation of a Vessel while Intoxicated and Operation of a Vessel while Under the Influence causing Great Bodily Injury.

Gerken's father addressed the court at the sentencing hearing and asked the court to exercise leniency in its sentence today stating to the court, "While I still grieve deeply for my son's loss and regret terribly that the accident happened I hold no grudge for Mr. Smith...My son could as easily have been the responsible party."

Judge Michael Deems sentenced Smith to 120 days in jail, but suspended that time, pending Smith's successful completion of three years of felony probation during which time Smith is prohibited from the use of alcohol, must take substance abuse treatment classes and attend a 12-step program. Smith was informed a failure to successfully complete his probation time would subject him to a potential prison sentence of over six years.