

# Prosecutors didn't talk to eyewitness before filing misdemeanor charges in deadly boat crash

[miamiherald.com/news/local/crime/article290515109.html](https://www.miamiherald.com/news/local/crime/article290515109.html)

David Goodhue

July 29, 2024

Crime

By David Goodhue

Updated July 29, 2024 8:01 AM



Damage to the 29-foot Robalo piloted by George Pino, who crashed his boat into a concrete channel marker in Biscayne Bay on Sept. 4, 2022. The boat crash led to the death of Luciana 'Lucy' Fernandez, a 17-year-old student at Our Lady of Lourdes Academy, and severely injured her classmate, Katerina Puig. Florida Fish and Wildlife Conservation Commission

Police and prosecutors with the Miami-Dade State Attorney's Office didn't follow up with a key witness who contradicted the captain's main defense in a one-vessel boat crash that hurtled 12 teenage girls into Biscayne Bay, killing one and severely disabling another, according to a sworn statement obtained by the Miami Herald.

The man at the helm — Doral real estate broker George Pino, 53 — told investigators another boat caused him to slam into a channel marker at 47 mph on that calm, clear Sunday.



This is the channel marker in Biscayne Bay that George Pino hit while piloting his 29-foot Robalo center console boat on Sept. 4, 2022. Pedro Portal [pportal@miamiherald.com](mailto:pportal@miamiherald.com)

That's not what witness Thomas Watson saw. The off-duty yacht captain, with his wife and kids in his 21-foot center console, was traveling two boats behind Pino when Pino smashed his 29-foot Robalo into the concrete marker at 6:37 p.m. on Sept. 4, 2022. Watson said there was no other boat involved.

Officers with the Florida Fish and Wildlife Conservation Commission, the law-enforcement agency that investigated the crash, asked the Watsons at the scene what they witnessed. But neither the FWC nor the Miami-Dade State Attorney's Office followed up to take written statements from them before filing misdemeanor charges against Pino.

"We were sitting around for a while waiting for the phone to ring from someone," Watson told the Miami Herald. "It was weird."

The Labor Day weekend collision killed 17-year-old Luciana 'Lucy' Fernandez and left her Our Lady of Lourdes Academy classmate Katerina Puig with blunt force trauma to her head and a lifetime of disabilities. It was a tragic end to an 18th birthday celebration for their friend, Cecilia Pino, George and Cecilia Pino's daughter.



Luciana Fernandez, the 17-year-old student at Our Lady of Lourdes Academy who was killed in the Sept. 4, 2022, boat crash where George Pino crashed his 29-foot Robalo into a concrete channel marker in Biscayne Bay. The Lucy Fernandez Foundation

Watson was one of the first people on the scene after the crash. He and his wife, Melinda, a registered nurse, rendered aid to the injured, including Lucy, who was found under the boat and died a day later in the hospital.

“It was like a bomb went off out there,” Watson said in a June 11 sworn statement. “There was — I saw pieces when I was looking for Lucy, there was so much [expletive] floating in the water, Yeti cups, pieces of gunnel. I mean, it was insane.”



A Miami-Dade County Fire Rescue boat pulls into a slip at Black Point Marina Sunday night, Sept. 4, 2022. The boat brought to shore several people injured in a boating crash earlier that night. David Goodhue/Miami Herald

Prosecutors finally reached out to Watson this summer, nearly two years after the crash and 10 months after they filed three misdemeanor counts of careless boating against Pino. They were prodded by Joel Denaro, an attorney and family friend of Lucy’s parents, Andres and Melissa Fernandez, who argue that prosecutors have been too soft on Pino.

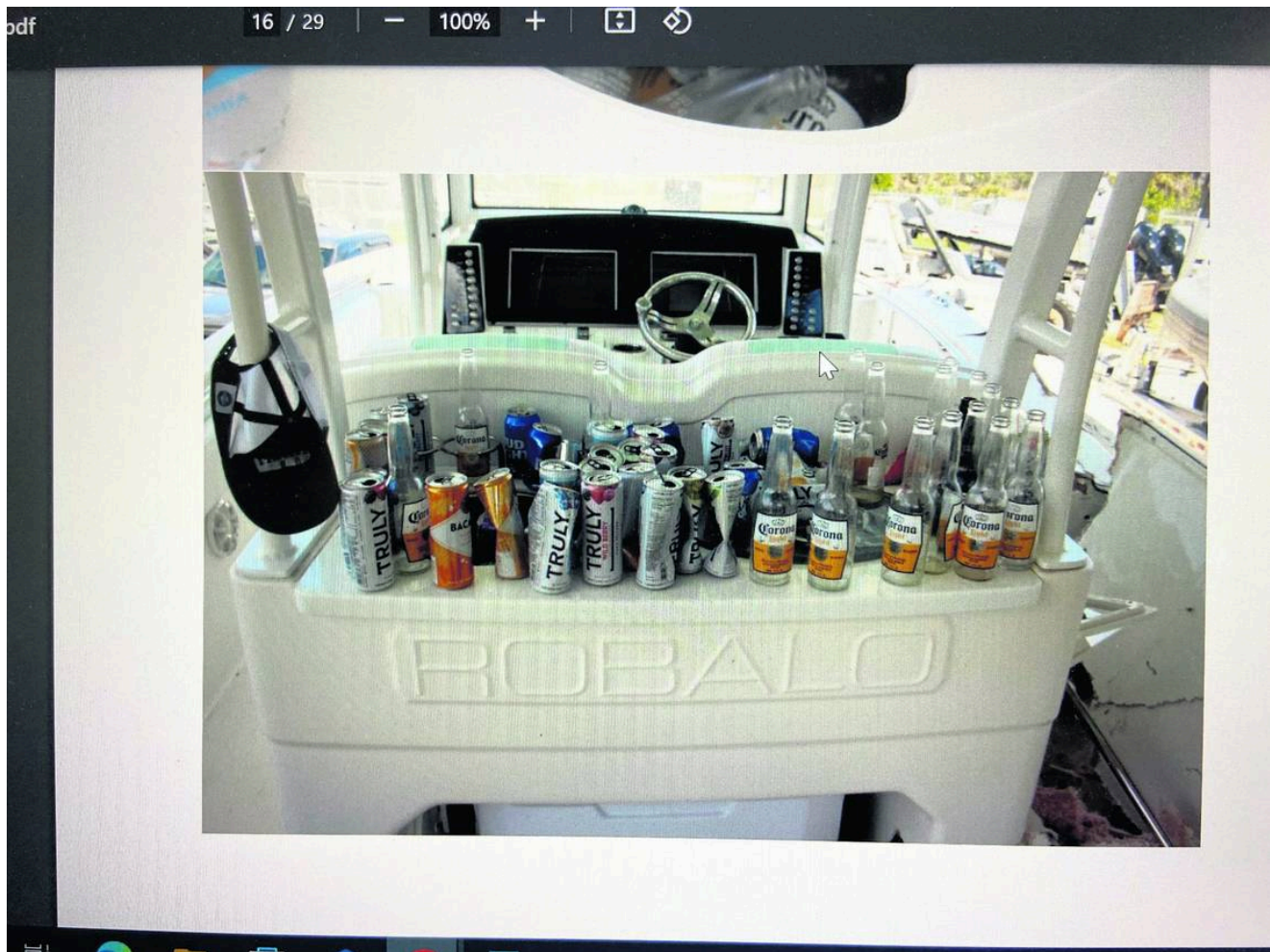
Denaro tracked Watson down after viewing the FWC officers’ body camera footage from the night of the crash. In the footage, Watson gave his contact information to the officers.

“I wanted to help. This whole time, for almost two years, we were kind of surprised that nobody had reached out to us, to be honest,” Watson told prosecutors Ruben Scolavino and George Bell.

Watson stated that he never saw another boat coming at them in the channel, confirming what other witnesses told investigators and what cameras in the area captured.

Witnesses, including passengers on Pino's vessel, also told investigators that Pino did not make any evasive maneuvers — as he said he did — before running his Robalo into the channel marker. An analysis of the GPS data on Pino's boat backs up the witnesses' statements.

A day after the crash, FWC investigators hauled the boat out of the water and found more than 60 empty booze containers stashed on the wrecked vessel. Yet FWC cops ruled out alcohol as a factor in the crash, saying Pino did not appear impaired after interviewing him after the crash. Pino told the officers he "had two beers."



More than 60 empty bottles and cans of alcohol were found in George Pino's 29-foot Robalo the day after he crashed his boat into a concrete channel marker in Biscayne Bay on Sept. 4, 2022. A 17-year-old student from Our Lady of Lourdes Academy, Lucy Fernandez, died and another classmate of hers was severely injured. Florida Fish and Wildlife Conservation Commission

The FWC did not return the Herald's requests for comment and the state attorney's office did not answer questions about why it had not reached out to Watson.

### **READ MORE: 61 booze containers on crashed boat in Keys — and parents outraged over minor charges**

Miami trial attorneys, however, said law enforcement not following up with eyewitnesses like the Watsons over the course of the investigation is a major error.

"This is obviously something far out of the norm where you have this type of serious event and this type of on-the-scene witness key to what's happened. For them to not follow up with him not only raises concern, it's striking," said Richard Klugh, a Miami criminal defense attorney.

"This is definitely a lapse by law enforcement and the State Attorney's Office," said Phil Reizenstein, a longtime Miami trial attorney who worked as a prosecutor under former Miami-Dade State Attorney Janet Reno. "The State Attorney's Office and law enforcement owe the family an apology and a renewed effort to assure them that no stone will be left unturned in this investigation."

### **Wants state attorney's office to reopen case**

---

Denaro said he's urging the state attorney's office to take Watson's sworn statement and footage from a migrant-tracking camera mounted in the channel to reopen its investigation into whether Pino misled investigators with his claim about the other boat.

"The Fernandez family hopes the State Attorney will finally put an end to Mr. Pino's distortion that another boat somehow contributed to Lucy's death," Denaro said in a statement provided to the Herald. "Our review of the evidence leaves no doubt Mr. Pino lied and in doing so, committed obstruction of justice. Without the truth, the Fernandez family cannot have closure."

Information about the camera footage was included in the FWC's final report, but was redacted when it was released to the press and public. But, Andres Fernandez, Lucy's father, said he saw the unredacted report.

"In sum, it states that there is a camera (facing north) which takes periodic pictures, also confirming no other boat," Fernandez said in a text message to Denaro.

Ed Griffith, a spokesman for Miami-Dade State Attorney Katherine Fernandez Rundle, said the state agency "would neither confirm nor deny the existence of any ongoing investigation. We would not be discussing any aspect of an ongoing legal matter, which could well relate to the questions you have posed."

Pino's attorney, Howard Srebnick, did not respond to the Herald's questions about the possibility of a renewed investigation.

Adding charges this late in the investigation is possible, but it depends on the statutes of limitations of the charges, said Miami criminal defense lawyer Ed O'Donnell IV.

An obstruction charge is a first-degree misdemeanor with a statute of limitations of two years, starting from when the incident took place. This means if prosecutors were to file an obstruction charge against Pino, they would have to do so by September, two years after the crash.

"The fact that they decided not to charge something doesn't mean you're home free," O'Donnell said. "There's nothing barring them from reopening an investigation at all. The State Attorney's Office doesn't lose jurisdiction."

## Lucy's family wants answers

---

The Fernandez family has been pressing for a deeper investigation into the crash.

They were disappointed that the FWC quickly ruled out alcohol as a factor, despite the discovery of the more than 60 empty alcohol containers on board the boat the day after the crash.

The FWC's final report stated Pino refused to voluntarily submit blood to determine his blood-alcohol levels because his attorney wasn't present. But in the body camera footage of an FWC officer released to the Herald later, Pino did not say anything about an attorney. Rather, he said, his reason for declining was because he "had two beers."

Rodney Baretto, the FWC commissioner, said his officers on the scene, including the investigator who interviewed Pino, didn't think Pino was impaired and thus did not seek a judge's approval to force Pino to submit to blood or field sobriety tests at the scene.

Pino's claim about another boat is particularly troublesome to the family.

FWC investigator William Thompson noted in his final report on the crash, filed in August 2023, that the claim about another boat was not corroborated by any witness or other evidence collected from the scene.

"Witnesses stated they never noticed another vessel prior to the accident and do not remember any sharp maneuvers or turns prior to the accident. Below is a photograph taken by a Good Samaritan, less than three minutes after the accident. The photo shows the north end of the channel toward Cutter Bank, and there are no vessels in view heading north in the photograph," Thompson wrote.



The 29-foot Robalo, piloted by George Pino, that struck a channel marker near North Key Largo on Labor Day weekend 2022 capsized, throwing all aboard into the water. This photo taken on the scene, shows the upside down vessel also had heavy damage along its starboard, or right, side. One person died in the crash, and another was severely injured. Florida Fish and Wildlife Conservation Commission

Nevertheless, Pino, who was heading back to his home at the Ocean Reef Club in Key Largo after an afternoon at Elliott Key, not only told law enforcement that a boat was to blame for the crash, but his attorney repeated that in a March 13, 2023, petition filed in Miami federal court seeking to limit Pino's liability from potential lawsuits from the crash.

The petition states Pino's boat was "subjected to a large wake thrown by a large center console or sport fishing type vessel heading north east on the [Intracoastal Waterway] while both boats were transiting the Cutter Bank Shallows in the vicinity of marker 15."

The petition states Pino "adjusted course to meet the wake." But his boat "began to turn unexpectedly on its own and put itself on a course roughly heading toward" the channel maker. The filing says Pino was unable to avoid colliding with the marker.



The filing also states the boat that caused the wake “left the scene and to date has not been identified.”

Pino’s attorney for the petition, Andrew Mescolotto, declined to comment when reached by the Herald.



George Pino Marsha Halper/Miami Herald Staff

## GPS data from Pino's boat

---

Data collected from the GPS device on Pino's boat did not show Pino had to swerve due to the other boat, Thompson stated in his report.

"The GPS download indicated there were no sudden or drastic changes in direction as stated by Pino," Thompson wrote. "In fact, there are no turns shown for [his boat] for more than 1 mile prior to the accident."

Pino entered Cutter Bank channel traveling at an average speed of 42 mph, according to the forensic GPS analysis the FWC used in its investigation. As he passed markers 12 and 13, Pino began traveling on the left side of the channel, as opposed to the customary right side.

After passing marker 14, the boat increased speed from 43 mph to 47 mph before turning left and striking marker 15 on the starboard, or right, side of the Robalo, investigators say.

All 14 people on board — Pino, his wife, and the 12 teenage girls — were ejected.

According to the GPS report, the boat slowed to 18 mph after the crash. That's when the boat began taking on water and flipped over.

This story was originally published July 29, 2024, 5:00 AM.

## Afternoon Newsletter

---

Latest news, plus the afternoon business & national news.

By submitting, I agree to the [Privacy Policy](#) and [Terms of Service](#).

**Thank you for signing up!**

You'll receive the next newsletter in your inbox.

Explore more of our newsletters and subscribe to your favorites.