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 11 **UNITED STATES DISTRICT COURT**  
 12 **CENTRAL DISTRICT OF CALIFORNIA**  
 13 **WESTERN DIVISION**

14  
 15 UNITED STATES OF AMERICA,

16 Plaintiff,

17 v.

18 JERRY NEHL BOYLAN,

19 Defendant.

Case No. 2:22-cr-00482-GW

**LETTERS IN SUPPORT OF JERRY  
 NEHL BOYLAN'S SENTENCING  
 POSITION**

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1 Jerry Nehl Boylan, by and through the undersigned, hereby submits two  
2 additional sentencing letters in support of his Sentencing Position. The defense submits  
3 these letters as Exhibits 34 and 35.  
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5 Respectfully submitted,  
6 CUAUHTEMOC ORTEGA  
7 Federal Public Defender

8 DATED: May 1, 2024

By /s/ Julia Deixler

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# EXHIBIT 34

Dear Judge Wu,

I met Jerry in March of 2010. At the time I was coming off of almost two straight years of sailing on traditional sailboats, which little did I know at the time, was to be the beginning of my professional career. A career that Jerry would play a large role in as a mentor. I first came aboard the Conception as a deckhand and within a few months I had accrued enough sea time to sit for my 100 ton Near Coastal Mates license. At that time I stepped into the roll of second captain. Jerry took me under his wing, quite literally, allowing me to stand behind him while anchoring at the islands and docking the boat back in Santa Barbara, all the while talking me through why he was doing what he was doing with the throttles and explaining the "whys" as the boat responded. It was a giant leap that lead me into a fruitful and rewarding career and I owe Jerry more than words can express.

Safety was above all the most important thing that Jerry would drill into his crew, both figuratively and literally. Early in the season when we had more days at the dock than out at sea on dive trips Jerry would have us drill with the emergency oxygen and the crash kit so we would be ready for dive related emergencies, which we experienced several times. We would run through scenarios where we would evacuate a diver by helicopter, which again we had to deal with on multiple occasions.

It was common practice for crew members to go dive as well, and after working with multiple captains at Truth Aquatics, including the owner, I can say that without a doubt Jerry was the most conservative. He would choose the safest dive site for the experience level our guests possessed, and often times he would tell the crew to stay on deck in order to have all hands available to help guests in distress. Jerry would demonstrate his knowledge of the channel islands and his willingness to go out of his way to help anyone in need at the drop of a hat. I remember one time on the North side of Santa Rosa island when there was a boat full of inexperienced sailors who had lost power of their boat and were quickly drifting onto the rocks. Jerry pulled up to their bow in challenging conditions and we were able to toss them a line and instruct them how to make it off to their bow cleat. Jerry held the boat off the rocks using the Conception for 30-45 minutes until Tow Boat US could get on scene and take them back to the safety of port. Jerry spent his life at the channel islands and his professional career almost entirely at Truth Aquatics. He cared more deeply about the job and the guests (many of which were considered friends) than anyone else I had sailed with. The tragic accident that befell the Conception is even more tragic because of this.

I have spoken with Jerry many times since the accident and his grief is colossal. At one point he told me he was sleeping in his living room because his bedroom didn't have enough emergency exits. Some days when I would reach out he was so distraught by grief to speak at all. The islands, the Conception, and the guests who we took out on adventures were Jerry's life and his passion. Jerry lived his young years in the Anacapa light house, explored the islands and diving on his ranger 26' sailboat, discovered a deeper love of diving at Truth Aquatics as a passenger, and then went on to share that love combined with his knowledge as captain of the Conception. The experience the guests had aboard the Conception and the knowledge passed down to the crew was the culmination of Jerry's life and wisdom. The crew used to joke that "Jerry has forgotten more about the islands than we'll ever know."

I know that Jerry has a tough road ahead of him. I consider Jerry one of my closest friends and I will do whatever I can to support him moving forward. Whether he just needs an ear to listen, or someone to lean on when the days seem darkest. I can be there for Jerry and I always will be. Just as he has always been there for me when I needed the advice of someone I trust.

Respectfully Submitted,

BARON KELLY  


# EXHIBIT 35

Your Honor,

I worked as a part time deckhand, galley assistant, chef, and additional operator for Truth Aquatics from 1979-1984 and then did some more relief work in 1988-90. I remember Jerry Boylan as one of the company's most reliable and responsible captains.

Many years have passed since then. Yet Jerry has safely taken thousands of people out to the Channel Islands for the company. He has always been an attentive captain, calm, thoughtful, and a leader by example to his crew—putting safety first, and offering the passengers the best diving experience possible. I remember him as gentle, reflective, and a man who paid attention to the details, the little things that make a difference, like checking in with each passenger, making sure their time on the boat was the best it could be.

The accident that happened on Labor Day of 2019 was an absolute tragedy. The worst possible circumstances created a fire at sea that took all those sleeping below deck. If a captain of Jerry's caliber and experience could not save the passengers, no one could. That anyone survived is a miracle.

Jerry is a kind, thoughtful and responsible individual. And to have to relive that night and every day after is a punishment for Sisyphus. How Jerry is surviving the horror over and over will keep Jerry in prison in his mind for the rest of his life. Of all of the boat captains I've ever met, none were as conscientious as Jerry. Being who he is, he will never feel truly free from the memory, and the knowledge that he was the captain, ultimately responsible, even if there was no way of fully preventing such an accident.

I understand that families and loved ones of those who perished are in anguish. Incarcerating the captain won't bring them back. The boat was inspected by the Coast Guard every year since it was built. It was scrupulously maintained. Yet it still caught fire and became an inferno in minutes.

When I heard about the accident that morning my heart broke. None of us will ever be the same. So many people have had transcendent experiences on those beautiful boats in those incredible seas. Jerry is a good man. He did his best and then some. There are always things in life we could do better. Yet that night the negligence was trusting that what had been safe and successful for 30 years all of a sudden wasn't.

Thank you for your time and consideration.

Sincerely,



Shannan Johnson

