



# BREVARD COUNTY SHERIFF'S OFFICE

## CASE SUPPLEMENT REPORT

700 S. Park Avenue  
Titusville FL 32780

CASE#

**2019-00169893**

EVENT	REPORTED DATE/TIME <b>05/11/2019 12:13</b>	OCCURRED INCIDENT TYPE	
	OCCURRED FROM DATE/TIME	OCCURRED THRU DATE/TIME	LOCATION OF OCCURRENCE

OFFENSES	STATUTE/DESCRIPTION	COUNTS	ATTEMPT/COMMIT

SUBJECT	JACKET/SUBJECT TYPE		NAME (LAST, FIRST, MIDDLE SUFFIX)				PRIMARY PHONE	
	ADDRESS (STREET, CITY, STATE, ZIP)						PHONE #2	
	DOB	AGE or AGE RANGE	SEX	RACE	HEIGHT or RANGE	WEIGHT or RANGE	EYES	HAIR
	DL NUMBER/STATE			SSN	ALIAS (LAST, FIRST, MIDDLE)			
	EMPLOYER NAME AND ADDRESS				SCARS, MARKS OR TATTOOS			

SUBJECT	JACKET/SUBJECT TYPE		NAME (LAST, FIRST, MIDDLE SUFFIX)				PRIMARY PHONE	
	ADDRESS (STREET, CITY, STATE, ZIP)						PHONE #2	
	DOB	AGE or AGE RANGE	SEX	RACE	HEIGHT or RANGE	WEIGHT or RANGE	EYES	HAIR
	DL NUMBER/STATE			SSN	ALIAS (LAST, FIRST, MIDDLE)			
	EMPLOYER NAME AND ADDRESS				SCARS, MARKS OR TATTOOS			

I swear/affirm the above and attached statements are true and correct.

**Homicide**

Sworn to and subscribed before me the undersigned authority. Notary/Law Enforcement Officer in performance of official duties Personally Known

WRITTEN BY <b>Kersey Ethan 0284</b>	DATE <b>07/12/2019</b>	NOTARIZED BY <b>Vitaliano, Robert</b>	DATE <b>07/14/2019</b>
APPROVED BY <b>Vitaliano, Robert</b>	DATE <b>07/14/2019</b>	<b>Document Electronically Signed</b>	



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**NARRATIVE**

On Saturday, May 11<sup>th</sup>, 2019, I was assigned as the on-call agent with the Brevard County Sheriff's Office Homicide Unit. On the same date, at approximately 1254 hours, I received an alphanumeric page requesting that I contact Deputy Lewis ID# 4388 in reference to a drowning investigation.

Upon calling Deputy Lewis, he informed me of the following: On the same date, (05/11/2019) at approximately 1213 hours, he and several other deputies with the Brevard County Sheriff's Office were dispatched to respond to the residence of 3582 Twelve Oaks Circle, Merritt Island, Florida, 32953, in reference to a three (3) year old male that had drowned in a pool.

Sgt. L. Smith #76, FTO B. Fisher #1607, and Deputy K. Fitzgerald #4513, were first to arrive at the residence. Upon their arrival, they observed the front door open to the residence and Mrs. Amber Fowler in the enclosed pool area, located at the rear of the residence. In this enclosed pool area they observed the three year old male named Riley Fowler, laying supine on the concrete pool deck. Mrs. Fowler was next to Riley performing cardio-pulmonary resuscitation (CPR). FTO Fisher immediately approached Riley and Mrs. Fowler and took over CPR from her. All of Riley's extremities, including his fingers, lips, and toes, were reportedly a bluish color. FTO Fisher noted that Riley had fresh vomit on the right side of his face, which was caused when his mother was performing CPR on him.

FTO Fisher continued performing CPR for approximately four (4) minutes until Brevard County Fire Rescue (BCFR) Unit #41 arrived on scene, who subsequently continued CPR. Brevard County Fire Rescue transported Riley, by ambulance, to [REDACTED] located at [REDACTED]

While the other deputies were providing aid to Riley, Deputy Lewis made contact with Mrs. Amber Fowler, who advised the following in substance: Mrs. Fowler advised that on Saturday, May 11<sup>th</sup>, 2019, Riley and his two sisters, Reese Fowler, and Farah Fowler, were all swimming in the pool. She explained that Riley has not fully learned to swim on his own and therefore has to wear inflatable floatation devices also known as floaties on both of his arms. She had put the floaties on his arms prior to him swimming in the pool. While all of her children were swimming in the pool she was inside the residence mopping the kitchen and living room floors. While she was mopping she would frequently check on the children and had a good view of them in the pool from where she was. Mrs. Fowler stated that she had just checked on the kids before she began to mop a small section of the kitchen and she observed that Riley had his floaties on, was playing in the pool and everything seemed fine. Mrs. Fowler said that she turned around for maybe just a minute or two to rinse the mop out when she heard the girls scream

**Homicide**

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<b>Kersey Ethan 0284</b>	<b>07/12/2019</b>	<b>Vitaliano, Robert</b>	<b>07/14/2019</b>



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### NARRATIVE (continuation)

"Mommy Riley is floating without his floaties."

She immediately ran out to the pool and observed Riley floating face down on top of the water close to the center of the pool. He was not moving. She immediately grabbed Riley out of the pool and started CPR. Mrs. Fowler had [REDACTED] get her phone and call 911 and continued CPR until deputies arrived. Mrs. Fowler stated she is not sure why Mr. Fowler did not have the floaties on.

Mrs. Fowler advised that Riley has no medical conditions that she is aware of.

Mrs. Fowler advised she called her husband, Mr. Jason Fowler and told him what had occurred. Mr. Fowler drove straight to the [REDACTED] from work. Mrs. Fowler advised that a friend was coming to take care of the girls and then she would be going to the hospital as well. Mrs. Fowler contacted a family friend, Mr. Jacobs to respond to the residence to take care of the girls. Upon the arrival of Mr. Jacobs, Mrs. Fowler was transported to the hospital by BCFR District Chief 40.

Deputy Lewis said that Riley was transported from the [REDACTED] to the [REDACTED] located at [REDACTED] Orlando, Florida, 32806 by Life Flight and was in critical condition. Deputy Lewis also informed me that both Mr. and Mrs. Fowler were responding to the [REDACTED]

I informed Deputy Lewis that I would assume this investigation and would be responding to the [REDACTED] in Orlando. I contacted the Brevard County Sheriff's Office Crime Scene Unit and spoke to Crime Scene Technician (CST) F. Jancura #4282. After discussing the case with her she advised me that she would respond to the residence of 3582 Twelve Oaks Circle, Merritt Island in order to conduct any crime scene processing there.

While enroute to the [REDACTED] I spoke to CST Jancura over the phone. CST Jancura informed me that she located a child's green Puddle Jumpers floatie near the pool on the deck. The floatie was described as one that was made out of cloth and has two arm floatation devices that contained foam inside. Both arm floatation devices were connected together by a piece that goes across the chest. The chest piece was also cloth and contained a piece of foam inside. On each side of the chest piece was an attached nylon strap, each with a buckle snap clasp meant to be buckled behind a child's back. CST Jancura stated that the buckle was clasped and strap

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**NARRATIVE (continuation)**

appeared to be tightened. She said the brand of this floatie was Puddle Jumpers. According to the Puddle Jumpers website the cloth material is a woven polyester and has an adjustable buckle, which snaps in the back. This specific "Puddle Jumper" floatie is rated for children 30 to 50 pounds. CST Jancura said that she did not observe any rips or tears to the fabric or nylon strap. The buckle snap clasp was secured and appeared to functional and not broken. She photographed and collected this floatation device as evidence. (See CST Jancura's supplemental report for full details of this evidence preservation and collection processes)

Upon arrival to the [REDACTED] I made contact with hospital staff who informed me that Riley was in the ICU. They led me to a small private room where Mr. and Mrs. Fowler and Riley's biological mother, Ms. Mallory Fowler were waiting. Upon entering the room, I conducted a sworn audio-recorded interview where they related the following in substance: Mr. and Mrs. Fowler explained to me that Mr. Fowler is biologically Riley's uncle. They adopted Riley from Ms. Mallory Fowler when he was less than one year old, due to care and financial issues. They advised on January 19<sup>th</sup> of 2019, they moved into the residence of 3582 Twelve Oaks Circle, Merritt Island, which already had an in ground pool installed. Their previous address in Merritt Island also had an in ground pool installed. Their two daughters, six year old, Farah Fowler and five-year-old, Reese Fowler had learned to swim on their own in the pool at their previous residence. They explained Riley also practiced swimming at their previous residence and was still practicing swimming in the pool at their new residence. Riley did not know how to swim on his own yet and he still had to wear some sort of floatation device. The floatation device they had purchased for him was a "Puddle Jumpers" brand floatie that goes around both of his arms and his chest and clasps with a strap in the back. Once Riley has this floatation device on he is free to swim in the pool.

Mrs. Fowler stated on Saturday, May 11<sup>th</sup>, 2019, she was cleaning the inside of the residence and the children wanted to go swimming in the pool. She told them that they could and prepared them to go swimming. She obtained Riley's floatie and put it on him. She clasped the buckle in the back and synched it tight. He then jumped in the pool and swam with her other two daughters. Mrs. Fowler said all of them were laughing and playing. She left the large sliding glass doors leading out to the pool area open so that she could hear them and see them as she continued cleaning. She went back inside the residence and continued mopping the floors. Every couple of minutes she would check on the children. And each time she did they appeared to be playing and having a good time. She continued mopping and could hear them laughing and making other playful noises. She went to rinse out her mop in the kitchen sink and one of her daughters called her saying, "Mommy Riley is floating without his floaties." She immediately went out to the pool area to see what she meant by her statement. She observed Riley floating face down in the pools deeper area. She immediately grabbed Riley out of the pool and started CPR. Mrs. Fowler had [REDACTED] get her phone and call 911 and continued CPR until deputies arrived. Mrs. Fowler stated she is not sure why Riley did not have the floaties on.

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### NARRATIVE (continuation)

I asked Mrs. Fowler if one of her daughters might have taken the floatie off of Riley. Mrs. Fowler answered saying, "No, they never have." Just then Mr. Fowler stated, "I've seen him take his own floatie off." He went on to explain that when Riley was ready to get out of the pool and was done swimming he would slip his arms out to the arm floaties and push the whole floatie down off of his torso to his ankles and simply step out of the floatie. Mr. Fowler said that he has seen Riley do this on multiple occasions, but typically he does go back in the pool. (See attached CD-R for a full account of this interview.)

I then made contact with RN Kelly Cox, who informed me that Riley was in critical condition. She led me to the ICU Room where Riley was located. At that time other nurses and hospital staff were currently working on Riley. On the areas of Riley that I could observe, I did not observe any external signs of trauma or foul play. They informed me that he would remain in critical condition and they would have to preform further testing at a later time.

On May 12<sup>th</sup>, 2019, at approximately 0900 hours, I contacted the [REDACTED] and spoke to a nurse overseeing Riley. She informed me that they were conducting several brain damage tests and that she would let me know the results.

On May 12<sup>th</sup>, 2019, at approximately 2000 hours, I contacted the [REDACTED] and spoke to a nurse overseeing Riley. She informed me that they conducted several brain damage tests and were conducting further tests later on the same date.

On May 13<sup>th</sup>, 2019, I again contacted the [REDACTED] and was informed that Riley had died the previous evening. Riley was pronounced deceased on May 12<sup>th</sup>, 2019, at 22:50:00 hours, at the [REDACTED] by Doctor Perell.

Riley's body was transported to the District Nine Medical Examiner's Office, located at 2350 E. Michigan Street, Orlando, Florida, 32806, for an autopsy. The autopsy was conducted on May 15<sup>th</sup>, 2019.

On May 13<sup>th</sup>, 2019, I sent a fax to the Orange County Medical Examiner's Office, informing them of the ongoing investigation and requesting a copy of the Medical Examiner's Report upon completion.

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### NARRATIVE (continuation)

On May 16<sup>th</sup>, 2019, I received an email from Mari Drechsel who is the Administrative Assistant to the Deputy Chief Medical Examiner in Orlando, Florida.

This email contained a Case Synopsis of the Medical Examiner's Autopsy Report. (See attached Case Synopsis Form, Case #: ME19-00778.

According to this form the autopsy of Riley Fowler took place on May 15<sup>th</sup>, 2019, and was conducted by Medical Examiner (ME) Sara Zydowicz D.O.

Dr. Zydowicz ruled the manner of death as ACCIDENT and a cause of death as ANOXIC ENCEPHALOPATHY FOLLOWING RESUSCITATED CARDIOPULMONARY ARREST due to DROWNING.

This case is cleared and referred to file for informational purposes only.

Enclosures:

Copy of Medical Examiner's Synopsis Form, Case #: ME19-00778.

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