

# Greenwich Time

4/14/11

## CEO, pool company plead guilty in Greenwich boy's drowning

By Debra Friedman  
Staff Writer, Greenwich Time

STAMFORD -- A pool company president expressed remorse Wednesday in state Superior Court as he pleaded guilty to a reduced charge of criminally negligent homicide stemming from the 2007 drowning death of a 6-year-old Greenwich boy.

David Lionetti, 55, also entered a guilty plea on behalf of his company, Stamford-based Shoreline Pools Inc., to the charge of second-degree manslaughter, a felony. Lionetti was initially charged with second-degree manslaughter in 2008 after Zachary Cohn became entrapped in a pool drain in the backyard of his Greenwich home and died. Lionetti, who faced 10 years in prison, will serve a suspended one-year prison term followed by three years of probation as a result of his plea to the reduced, misdemeanor charge.

The universal plea agreement also resulted in his company, Shoreline Pools, handing over a check for \$150,000 in court to go toward the Zac Foundation, which was set up by Cohn's parents to help advocate for pool safety.

Wednesday's court hearing was the first time Lionetti admitted guilt for failing to install a safety device that could have prevented Zachary's death.

"Please extend my sincere condolences to the Cohn family for their tragic loss," Lionetti said as he looked at their lawyer. The Cohns were not present in court. "I am gratified this matter was resolved with their consent. Our company is committed to safety forever and ever."

**Attorney Ernie Teitell** read a statement from the Cohn family during the hearing that thanked first responders and the state of Connecticut for taking on the case, believed to be the first on its kind in the country.

"This unspeakable loss has made us keenly aware of the dangers that still exist in private and public pools across the country, dangers of which parents and pool owners must be made aware," the statement read.

"While we cannot turn back the clock, we can do more to educate other parents and children."

Prosecutors alleged that Lionetti's company did not install a required vacuum-release system in the pool and failed to design an appropriate dual-drain system that would have

decreased the suction force of the drain that trapped Zachary. The device would have also turned the system off after sensing the obstruction, according to authorities.

"Various pool experts concluded that had the pool been constructed with entrapment protection, the drowning death would not have occurred," Senior Assistant State's Attorney James Bernardi said.

Bernardi said evidence showed Lionetti was aware of the pool safety code changes through industry news alerts and other members of the industry.

After the hearing, Lionetti's attorney, Richard Meehan, said his client felt entering the plea was the "right thing to do" in order to avoid putting the Cohn family through a trial. "In a case like this, a trial is as gut-wrenching as the incident happening itself for everyone involved," Meehan said.

The negligent homicide charge means Lionetti failed to perceive the risk of not putting in safety devices rather than being aware of the risk and disregarding it, which Meehan said was a "significant" issue for the defense. The defense has maintained from the start that Lionetti could not have foreseen the child becoming entrapped in the drain because it is such a small statistical probability.

In addition to probation, Lionetti will also be required to serve 500 hours of janitorial community service at the Boys & Girls Club of Bridgeport.

The company also must identify 100 pools in the state -- not owned by their company -- that fail safety requirements and retrofit them over the next 10 years at their own expense. The company has already ensured all of its own pools are up to code. In addition, the company will send letters promoting pool safety to every pool owner in the state and sponsor pool safety information sessions at industry functions to promote the need for protection.

A civil lawsuit filed by Cohn's parents against Shoreline Pools has been resolved by a confidential settlement. The action is still being pursued against other involved parties, including the Town of Greenwich.

Judge Richard Comerford called the 6-year-old boy's death a "terrible tragedy" and urged everyone involved to work to make the pool industry safer for children.

"This was a horrific loss for these people," Comerford said of the Cohn family. "It is my sincere hope that the common good will be advanced in the name of this little boy."

Bernardi said the state's prosecution of the case should send a strong message to other pool companies nationwide.

"Pool entrapment is a serious problem and the consequences are tragic," he said. "This prosecution is the first of its kind in the U.S. and should serve as a warning to those who build pools so that pools are made safe for our children."

Staff writer Debra Friedman can be reached at [debra.friedman@scni.com](mailto:debra.friedman@scni.com) or 203-625-4449.

©2011 Hearst CT Newspapers.