

# Family Of Drowned Student Settles With Town

## Manchester High death helped prompt pool safety legislation

By **CHRISTIAN NOLAN**

The family of a young student who drowned in the Manchester High School pool during gym class has reached a settlement with the town for \$1.725 million prior to filing a formal lawsuit.

Malvrick Donkor, 14, drowned in the high school pool on Nov. 21, 2012. According to a police report, Donkor was under water for 17 minutes before he was pulled out of the pool.

A couple months later, Donkor's family, through their attorney **Carlton Hume**, of Hartford, provided the town of Manchester with an intent-to-sue letter, as plaintiffs are required to do within 90 days of filing suit against a municipality.

The letter said Donkor's drowning was the result of negligence from "failing to protect, care, supervise, rescue, and, or provide timely medical care."

Hume did not return calls by press time last week.

The report issued by the Manchester Police Department, released in May 2013, said that the teacher supervising the students that day, William Thayer Redman, was not criminally liable for what happened.

"Malvrick Donkor's death is tragic at best," Detective Wayne Mora wrote. "Redman had previously assessed Malvrick's swimming abilities and had instructed him to stay in the shallow end of the pool. By student accounts,

Malvrick knew his limitations and stayed in the shallow end of the pool during previous classes."

No one knows why Donkor ventured into the deep end, where his body was later found. There were 20 students in the pool that day. Police viewed surveillance footage of the pool and noticed no churning of the water to indicate that someone might be struggling beneath the surface. "At the time of the incident, [other] students were diving and splashing in the pool, which along with the overhead lights created a visual distortion on the surface of the water," Mora wrote. "This combination of activities most likely concealed Malvrick's body from view."

After Malvrick's body was discovered, school officials reportedly performed CPR and he was quickly taken to Manchester Memorial Hospital, where he was pronounced dead. Donkor's family had reportedly moved to Connecticut from Ghana.

Manchester Town Attorney **Ryan Barry** confirmed the settlement between the town and Donkor's family. "The matter settled before it actually went to court," said Barry, who practices at Barry and Barall in Manchester. "The settlement was in the best interest of the town of Manchester and the estate. The town wishes the family well."

The settlement was formally approved by Manchester Probate Court Judge **Michael Darby**.

This was not the first such drowning settlement handled by Hume. He previously rep-

resented the family for **Marcum Gyamfi Asiamah**, who was also from Ghana. Asiamah, 15, was a freshman at East Hartford High School when he drowned in the school's pool on Jan. 11, 2012.

Asiamah's family ultimately settled with the town of East Hartford for \$1.5 million.

In response to the two drownings, the state Legislature passed a bill that was signed by the governor in June 2013 that requires all Connecticut school districts to have a swimming instructor or lifeguard on duty whenever the pool is in use, in addition to the educator supervising students.

State Rep. **Stephen Dargan**, D-West Haven, and Rep. **Paul Davis**, D-Milford, had introduced the bill last session.

Rep. **Jason Rojas**, whose district includes East Hartford and Manchester also strongly supported the measure.

"This is good legislation that I believe will help prevent drownings in our schools," said Rojas. "The key to the bill is having another set of eyes on the pool whose specific job will be to look out for swimmers in distress or in need of assistance."

Donkor's father, **Daniel Ofori-Minteh**, said



**Manchester Town Attorney Ryan Barry called the \$1.725 million settlement with the drowning victim's family 'in the best interest of the town of Manchester and the estate. The town wishes the family well.'**

in a television interview after the legislation passed that he was glad the measure passed, but he described it as coming "too late."

"My son spent 17 minutes in the pool and nobody knew he was there," Ofori-Mintah told NBC Connecticut television. "I have not stopped crying, my wife has not stopped crying, the children have not stopped crying. ... That would have been perfect, a lifeguard would have been able to save him, they might have known something was happening." ■