

If Count 101 through and including Count 200 of Indictment K1/2003-0653A had proceeded to trial, the State would have expected to call the 186 witnesses previously identified to the Defendant from the list of more than 950 persons who were interviewed in the course of the investigation of this case. The State previously disclosed to the Defendant the identities and offerings of each of the more than 950 individuals with whom investigators had contact.

The State would have expected to introduce, among other evidence, two handwritten statements that the Defendant provided to Detective Gary Appolonia of the West Warwick Police Department after he was advised of and waived his Constitutional rights. The Defendant provided those statements at 1:21 a.m. and 7:13 a.m., respectively, on the morning of February 21, 2003. At a trial, all of this and other evidence would have established beyond a reasonable doubt the following:

In January and February of 2003, the Defendant, Daniel Biechele, of the State of Florida, worked as a tour manager for a musical entertainment group called Jack Russell's Great White, or "Great White." In February of 2003, in his capacity as Great White's tour manager, Defendant Biechele contacted Michael Derderian, an owner and manager of a nightclub called The Station, located at 211 Cowesett Avenue in West Warwick, Rhode Island. Defendant Biechele made advance arrangements for the scheduled February 20, 2003, appearance of Great White at The Station with Michael Derderian by telephone. In a telephone conversation with Michael Derderian in February of 2003 before the 20<sup>th</sup>, Defendant Biechele asked Michael Derderian for permission for Great White to use pyrotechnics at The Station. In that telephone conversation, Michael

Derderian gave Defendant Biechele permission to use pyrotechnics, specifically, "15 by 15" gerbs, during Great White's performance at The Station on February 20, 2003.

The State respectfully requests the Court to ask Defendant whether the facts I have just recited are true.

On February 20, 2003, Defendant Daniel Biechele was at The Station in the late evening. During the brief period between the conclusion of the stage performance of the musical group Trip, and the start of the performance of the musical group Great White, Defendant Biechele took four Lunatech 15 x 15 Silver Spark gerbs from the box in which they were kept. The State would have expected to prove beyond a reasonable doubt that the chemical mixture of those gerbs was "intended to produce a visible and/or audible effect by combustion, deflagration or detonation before a proximate audience," and that they therefore constituted prohibited Class C fireworks and pyrotechnics as outlined in the then-applicable Rhode Island General Laws, specifically, §§ 11-13-1 and 23-28.11-3. Defendant Biechele had brought the storage box in which the gerbs were kept with others into the club and placed it on a table near the stage at an unknown earlier point on February 20, 2003.

Defendant Biechele attached the four 15 x 15 Silver Spark gerbs to a board he had previously made from metal broom clips and wood. Defendant placed the board with the gerbs attached at center stage, directly in front of and against a step that separated the main stage from a smaller, higher enclosure in which the drums were set up. Defendant Biechele connected the gerbs to a wire that he drew across the floor of the stage and connected to a battery located just off stage. At an appointed moment at the start of Great

White's performance, Defendant Biechele used the wire and battery to trigger an "electric match" attached to the gerbs, which caused the gerbs to ignite and discharge. Each of four Class C fireworks sprayed 15 foot long streams of sparks for approximately fifteen seconds as expected. These sparks started a fire that was a proximate cause of the deaths of one hundred persons who were inside the nightclub at the time.

Defendant Biechele possessed and used these Class C fireworks without a permit and certificate of competency as sections 11-13-1 and 23-28.11-4 of Rhode Island General Laws required. Defendant Biechele thereby committed a crime not amounting to a felony. Because the commission of that crime was a proximate cause of the deaths of the one-hundred individuals, Defendant Biechele also committed the involuntary manslaughter of each of the persons named in counts 101 through 200 of this indictment, in violation of Rhode Island General Laws 11-23-3. By his actions that night, Defendant Daniel Biechele unintentionally, and without malice aforethought, unlawfully caused the deaths of those 100 persons. A complete list of the persons whose deaths Defendant unlawfully caused has also been appended to Defendant's entry of guilty plea form. The State respectfully requests this Honorable Court to incorporate Counts 101 through 200 of the indictment and the list of names attached to Defendant's plea form as part of the record of these proceedings.

Those are the facts that support defendant's 100 guilty pleas, Your Honor. Thank you.