

Opposite: Zachary, Gregory and Josh during the videotaped depositions that Jones conducted. (Rusty Kofman is not pictured.)

The case of the honeymooner who disappeared may be unsolved, but it is far from cold. Officials are closer than ever to making an arrest. **Here, exclusive new information from the man who is determined** to find out who killed George Smith



Jennifer and George on their honeymoon

MYSTERY AT SEA



Zachary Rozenberg



Gregory Rozenberg



Josh Askin



by TIMOTHY DUMAS portrait by WILLIAM TAUFIC

In the early morning hours of July 5, 2005, George Allen Smith IV, honeymooning aboard the Royal Caribbean cruise liner *Brilliance of the Seas*, plunged from the balcony of Stateroom 9062 into Homer's wine-dark Aegean, never to be seen again.

At sunrise the ninety-thousand-ton megaship docked at the Turkish port of Kusadasi. There, at about 8:30 a.m., the bride of ten days, Jennifer Hagel-Smith, awoke in Cabin 9062, still wearing the light summery dress she had worn the previous evening. George's absence did not

greatly distress her. The Greenwich newlyweds had partied into the small hours, and Jennifer imagined George had fallen asleep in the care of new friends. But clearly something was amiss. Jennifer remembered nothing of the night's dramatic events—neither the fight with George, nor leaving the Starquest Disco alone, nor passing out in a Deck 9 hallway, nor security officers waking her with ice cubes pressed to her face, nor being returned to a George-less 9062 via wheelchair. The night had simply vanished from her memory.

She put on flip-flops, grabbed her handbag, and walked to the ship's spa to keep an appointment with a masseuse. Meanwhile, Emilie Rausch, a sixteen-year-old from Chicago, went out to snap some pictures with her new digital camera. As she headed back to her cabin on Deck 7, she noticed

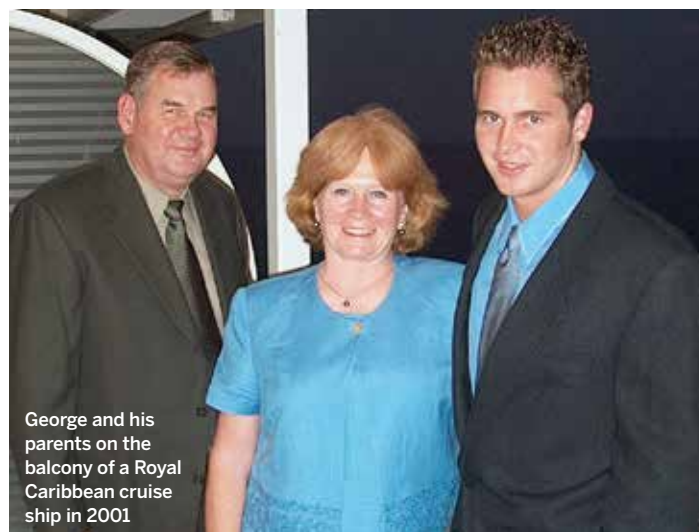
a grisly red smear, quite obviously blood, on the metal lifeboat canopy just below her. Patterns in the bloodstain suggested handprints and footprints, as though somebody had tried to stand; and a crimson impression of fingers at the canopy's edge told heartbreakingly of someone's last effort to hold tight as the ship cut through the water. Soon other passengers gathered to stare at the bloodstain. Security officers quickly determined the occupants of 9062 to be unaccounted for, and almost as quickly found Jennifer in the spa. Security men dressed in white approached her in force to deliver the paralyzing news: George had gone missing and was presumed lost at sea.

An accident? A suicide? A murder? As the story of "the honeymoon from hell" played out in Greenwich and



Jennifer and George

across the country, family members, lawyers, detectives, journalists, bloggers and cruise-industry officials posed theories and counter-theories. Jennifer eventually leaned toward the view that George's death was a tragic accident. Ship Captain Michael Lachtaridis preferred the accident theory from the start, having noticed on July 5 what he thought was a "butt print" in the dew atop the Smith balcony railing. The first detailed journalistic investigation, by *Vanity Fair* in 2006, raised troubling questions surrounding Smith's death but sided with Lachtaridis in the end: An inebriated George Smith was sitting on the railing, perhaps smoking a cigar, when a wave rocked him backward. This seemed a sensible conclusion. Why would



George and his parents on the balcony of a Royal Caribbean cruise ship in 2001

the famously cheerful George want to commit suicide on his honeymoon? Who would want to kill him?

But his parents, George III and Maureen, and sister, Bree, insist on the darkest and most sensational of theories. "He was murdered—one hundred percent," says Maureen. "Definitely murdered," says George. "There's a story out there that we need to find," says Bree, "and we believe it's a matter of time before we do."

The Smiths were sitting around a conference table at the Greenwich law firm of Ivey, Barnum & O'Mara with their attorney, Michael Jones. Jones is an athletic-looking man of fifty-three with a bluff demeanor and a clean-shaven head. For six years he has pursued the Smith case with a cop's tenacity—a tenacity no doubt bequeathed by

his late father, a New York City police detective stationed at Fort Apache, the legendary South Bronx precinct. "I've made it my mission to push this case to the point where George's killer is indicted and convicted," says Jones. He

and the Smiths are not alone in their belief that George was murdered. Jennifer's own maritime attorney, James Walker, tells *GREENWICH* magazine, "I don't think there's any question that somebody threw him overboard." And

EXCLUSIVE INFORMATION
An incriminating videotape that casts serious suspicion on the Russians is in existence and with the FBI.



George and his sister, Bree

DOWN TO THE MINUTE

After George and Jennifer finished dinner at Chops Grille, the sequence of the evening becomes incredibly important. Here, an approximate timeline based on witness testimony to help you follow the course of events.

- 2:30 a.m. — The ship casino closes. George and Jennifer Smith, passenger Josh Askin and casino manager Lloyd Botha go to the disco together.
- 3:17 a.m. — Greg Rozenberg's bar chit shows four shots ordered, which witnesses say he gave to George, Jennifer and a third man.
- 3:30 a.m. — George and Jennifer get into an argument that some say was in jest; Jennifer leaves the disco alone.
- 3:45 a.m. — George, the Russians and Josh Askin leave the disco and return to Room 9062 (the Smiths' room).
- 4:00 a.m. — Cletus Hyman hears loud noises and an argument ensuing in Room 9062.
- 4:05 a.m. — Hyman calls security.
- 4:10 a.m. — Hyman hears loud arguing of male voices on George's balcony.
- 4:11 a.m. — Pat and Greg Lawyer hear voices, possibly people telling George to calm down.
- 4:12–4:18 a.m. — Hyman hears "good night" several times in English, movement from the balcony to the cabin door. George's door open and male voices in the hallway.
- 4:18 a.m. — Hyman opens the door and sees three, not four, males in the corridor.
- 4:18–4:23 a.m. — Hyman hears cabinet doors closing, one male voice and furniture being dragged about in Room 9062.
- 4:25 a.m. — Hyman and other passengers hear a "horrific thud."
- 4:30 a.m. — Security officers respond to Hyman's call, knock on the door of Room 9062, hear nothing and leave the scene.
- 4:30 a.m. — Jennifer is found passed out in a hallway on Deck 9 by cruise ship employees.
- 4:31 a.m. — Room 3008 calls Room 3004 (the Russians' neighboring rooms).
- 4:31 a.m. — Room 3008 calls room service (nothing is delivered).
- 4:50 a.m. — Jennifer is returned to an empty 9062 by cruise ship employees and put to bed.
- 8:30 a.m. — A bloodstain is found on the lifeboat canopy below Room 9062. George Smith is soon thereafter declared missing.

INCONSISTENCY

THE RUSSIANS CLAIM THAT THEY WERE ALL IN THEIR CABIN AT THE TIME OF GEORGE'S MURDER, RELYING ON A ROOM SERVICE DELIVERY TO SUBSTANTIATE THEIR ALIBI. /// Logs show nothing was ever delivered and room service had been cut off due to their threatening behavior and obscene language.

Joan Lownds, author of *Man Overboard: Inside the Honeymoon Cruise Murder*, says, "I don't believe that the FBI would have spent millions investigating the case throughout the world if they didn't believe foul play was involved."

Many imagine the Smith case to be cold despite these suspicions. So what Jones says next comes as riveting news: "Based on the existing evidence and new information we've been able to uncover, I think we're getting closer to an indictment." The most tantalizing new revelation, reported here for the first time, is the existence of a videotape shot by three Russian-American men who were the last known persons to see George Smith alive. Jones learned of the tape last year, during a phone conversation with a lawyer employed by Royal Caribbean. "The Russians had filmed themselves sitting around a table onboard the ship on the afternoon of July 5, hours after George went overboard," Jones says. "And I was told by this attorney that on the tape, the Russians film each other mocking and callously joking about George's death. In the course of the filming, one of the Russian men stands up and makes a statement which is very self-incriminating." Jones declined to characterize the statement further, citing the FBI investigation; but he did say that the Bureau has confirmed it possesses the tape.

Now the investigation is stepping up pace. In recent months

Jones has had "substantive discussions" with U.S. Attorneys in Connecticut and New York about the possibility of transferring the case from New Haven to the Southern District of New York, headquartered in Manhattan. "The reason the transfer makes sense now is that two of the 'targets' live in New York," Jones says. Although Jones steers clear of naming a suspected killer, he does acknowledge that new developments suggest a tightening focus on the four young men who escorted George back to his cabin just before he went overboard—the three Russian-Americans and a shipmate of theirs from California. It is around these men that questions keep gathering. Did they simply put George to bed and then leave the room, as they contend? What about the grave flaw in their supposedly immaculate alibi? Why the attempt to deflect suspicion to Jennifer and another man? And what about the mysterious bloodstains on George's bed linens?

This report draws from interviews, court papers, deposition tapes and Royal Caribbean's voluminous case file, which includes witness statements that have never been quoted until now. What does it all signify? That innocent explanations of George Smith's death seem ever more improbable, since they must be weighed against the untruths, implausibilities and suspicious behavior propagated by the *Brilliance of the Seas*' Gang of Four.

A STORYBOOK BEGINNING

George Smith, at twenty-six years old, was tall and deep chested with a broad, handsome face and twinkling blue

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The handwritten room service log shows that no deliveries were made to Room 3008.

eyes that reflected his kind and dryly witty nature. "He was a nice, young, decent human being loved by everybody," Maureen says. "He had it all, really." George graduated with a business degree from Babson College in Wellesley, Massachusetts, in 2000. While working as a computer search-engine analyst in Boston, he began to tire of the solitary hours behind a desk; he was a social creature after all, happiest among the hustle and bustle of people. In 2003 he returned to Greenwich and went to work for his father, the proprietor of Cos Cob Liquor. One day, so the plan went, George would take over the business and allow his parents an easeful path into retirement.

On June 25, 2005, George married Jennifer Hagel at Castle Hill Inn in Newport, a Victorian manse overlooking the Atlantic's granite cliffs and the blue-gray ocean beyond. Jennifer, twenty-five, an eye-catching blonde from Cromwell, Connecticut, would retrospectively portray her life with George as very nearly charmed: *We were just, you know, sort of doing what normal in-love couples [do]—like cooking, drinking great wine, having a good time, thinking our lives were pretty much perfect... It just seemed like everything was falling into place*, she said in Greenwich Probate Court in 2008. They were happily ensconced in an apartment in Byram; she had landed a job teaching third graders in Westport; and they were about to celebrate their union with a luxury cruise of the Mediterranean that George had meticulously planned.

Brilliance of the Seas hove away from Barcelona just before sunset on June 29, docked on the French Riviera, then cruised down the coast of Italy, anchoring at Livorno on July 1. Here the Smiths caught a taxi into Florence with the Askin family of Laguna Hills, California—a podiatrist, his wife, and their three almost-grown children. Josh, at twenty the eldest child, was a cute California kid, Jennifer recalled; but he also seemed to be a bit of a handful. In Florence he'd bought a bottle of absinthe, a potent anise-flavored spirit long banned in the United States and much of Europe, and prevailed upon George's good nature to smuggle it aboard ship. (Most bans had been lifted by 2005, but cruise operators still forbid passengers to bring alcohol onboard their ships.) George tucked the absinthe in his waistband and strolled up the gangplank—a seemingly harmless event that nevertheless may have been a link in the fatal chain.

The ship rounded Italy's boot and headed out into the Aegean, making for the Greek island of Mykonos. George and Jennifer spent a happy day together—July 4—walking among the island's whitewashed villas and sunbaked lanes. Then they returned to the ship to prepare for the evening ahead. It all began pleasantly enough. Back in 9062 Jennifer put on her makeup as George stepped onto the balcony to smoke a cigar and stare out at the darkening water; then they went to Chops Grille for a romantic dinner and to Casino Royale for some late-night gambling.

Here a baffling element of this story comes into play. It seems that George or Jennifer or both were overheard saying they had heaps of wedding-gift cash, or perhaps casino winnings, locked away in their cabin. The amount varied from witness to witness: \$14,000 or \$17,000 or even \$50,000. Whether the Smiths actually possessed a store of thousands is unknown (George's family doubts it); what's important is the perception that they did. Their glamorous looks and Greenwich pedigree only enhanced the view of the Smiths as a dynamic young couple with money to burn. "They looked very prosperous," Maureen says. "He bought her the biggest diamond you could ever see, for their engagement, from a South African jeweler. And the wedding ring was even bigger." She notes too that her son dressed smartly and wore an expensive Breitling watch—a wedding gift from Jennifer and George's best man. "People turned to look at them wherever they went."

Attorney Jones and the Smith family speculate that rumors of their wealth kindled a plot to rob George and Jennifer. "You have witnesses hearing cabinet doors

George and Jennifer's stateroom • The casino where George and Jennifer socialized with the Russians and Josh Askin on July 5





The balcony doors of 9062 covered in fingerprint dust • George and Jennifer's stateroom after authorities conducted an extensive search

opening and closing, someone moving around the room, like they're searching for cash," Jones says. "Put that together with the three Russians and Josh Askin saying that the four went in, and an eyewitness's statement that only three came out. The evidence suggests that somebody stayed behind in that room with the intention of robbing George Smith. What probably happened is George woke up in the middle of it, confronted the intruder, and things went horribly wrong."

THE MEETING

In the casino, as July 4 turned into July 5, the Smiths first encountered the three young men who came to be known in this story as "the Russians": Gregory Rozenberg, nineteen, of Boca Raton, Florida, formerly of Brooklyn; his cousin Zachary, eighteen; and their friend Rostislav "Rusty" Kofman, both of Brooklyn. (A fourth, Zachary's brother Jeffrey, seventeen, spent the late hours in his cabin, watching a movie.) By this point in the cruise the Russians were palling around with Josh Askin—though later, in a deposition taken by Jones, Greg Rozenberg spoke disparagingly of the affluent Californian. *To me Josh was just one big bundle of spoiled—a spoiled kid... A crybaby-type dude.*

The Russians themselves cultivated swaggering, street-wise personas and backed them up with abysmal shipboard

behavior. Before dawn on July 4, a security guard found the Russians drinking and smoking by the main pool on Deck 11. *Gregory was arrogant, shouting in a loud voice and claimed, "Nobody can stop me,"* the guard reported. *Gregory keep on shouting "F**k, F**k, F**k..."* The Russians had also earned a reputation for abusing room service operators. On July 2 someone in Stateroom 3004—Gregory and Jeffrey's cabin—placed an obscenity-laced order, prompting a warning visit from security. On the fateful July 5 it happened again. At 1:24 a.m., Martina Mason, a room service night operator, was jotting down an order from 3004 when a voice in the background said, *Hurry up and bring our motherf**king food.* Then someone grabbed the phone from the young man placing the order, and, in an apparent reference to some lost bags, said, *Make sure and get our motherf**king luggage tomorrow, and if you don't I will throw your*

*motherf**king ass overboard.* Mason consulted security. A security supervisor paid another visit to 3004 and instructed Mason not to pick up if the Russians called again—a detail that would prove noteworthy as the night unfolded.

Meal plans foiled, the Russians went back to Casino Royale. (They'd been there after dinner, playing craps with Josh Askin, and probably met the Smiths then.) Events proceeded quickly, their significance uncertain: Jennifer

EXCLUSIVE INFORMATION
There is a strong possibility that the case will be transferred to the Manhattan prosecutor's office, suggesting that an indictment may be forthcoming.



INCONSISTENCY

ALL FOUR MEN CLAIM TO HAVE LEFT GEORGE SMITH'S ROOM AFTER PUTTING HIM TO BED. /// Witness Cletus Hyman states that after hearing loud noises coming from Room 9062, he looked out his door to see three—not four—men leaving.

played poker with Greg Rozenberg; Josh and George left for Josh's cabin on Deck 9 to drink absinthe; George, presumably still with Josh, swung by his own cabin to fetch extra cash; and the two were back in Casino Royale by about 2:20. When the casino closed ten minutes later, the Smiths, Josh and a casino supervisor named Lloyd Botha—"kind of like buddies" with George, according to Jennifer—rode a glass elevator up to Starquest Disco on Deck 13. On the elevator Josh said he noticed something "awkward": Lloyd Botha draping his arm around Jennifer in brazen disregard of George—though it strains belief, as we shall see, that any such gesture meant what Josh imagined it did.

It is in Starquest Disco that the story, to say nothing of its lead players, begins to haze over. Juan Gomez, the bartender on duty, remembered seeing the Russians, Josh Askin, and George and Jennifer all chatting near the revolving bar at around 3 a.m. *After I made last call for bar service, Greg Rozenberg, who was at the counter, ordered four more vodka shots... He gave the shots to George, Jennifer and another man... I saw George Smith move from the counter to the piano and he was walking without difficulty... When I left the bar at 3:25 a.m. George Smith was standing between the piano and the railing with his hands in his pockets. Jennifer Smith was standing at the bar talking to Greg Rozenberg...* Gomez noted that "Kofman" said he had a bottle of absinthe in his room, but he probably meant Askin, who entered his cabin at 3:05 a.m., presumably to retrieve the absinthe. Troy Gonzales, a cleaner then at work in the disco, observed Josh, Greg, Zach and Rusty *celebrating and drinking shots of liquor from their own liquor bottle, which they appeared to be hiding.*

Some, but not all, described Jennifer as "flirty and drunk" between 3 and 3:30 a.m. Keith Greer, Askin's attorney, has painted a cozy picture of Jennifer and Lloyd Botha nestling on a couch, but nobody other than Josh seems to have noticed this. Instead the supposed flirty behavior involved Jennifer leaning on Dominick Mazza, a twenty-four-year-old auditor from New Jersey. But Mazza told the Associated Press that he thought Jennifer was simply

drunk—not flirting. Whatever the case, at about 3:30, according to Mazza and others, George walked over to Jennifer and said, "You hussy," whereupon she booted him in the groin. (Some said the kick was playful, others said it inflicted obvious pain, causing George to crumple to the floor.) Then witnesses heard Jennifer say, "F**k this, I'm out of here." She turned and left the disco—in the attentive company of Lloyd Botha, according to Josh. Zachary Rozenberg seconded Josh's story in a witness statement he gave to Royal Caribbean, and Rusty Kofman told at least two passengers

much the same thing—that Jennifer left with Lloyd and had been cheating on George.

The problem with the Botha story is that it's demonstrably untrue. First, Lloyd left the disco with friends at about 3:15 and entered his girlfriend's cabin at precisely 3:25, according to passkey records. Second, witnesses saw Jennifer leave the disco unaccompanied at about 3:30 a.m., stumbling on her way out and striking her head against a wall. Troy Gonzales, the cleaning man, was one of those who saw her go. Noticing her instability, he trailed after, then boarded the elevator with her and got her safely down to Deck 9. But Jennifer was more disoriented than Gonzales realized: When she got off the elevator, she turned right instead of left toward her cabin, came to a deadend at the ship's bow and slumped to the floor, unconscious. On this development the whole story turned: If Jennifer had only managed to get back to 9062, George would probably be alive today.

George remained at the disco for roughly fifteen minutes. By 3:45 he was apparently so drunk on vodka and absinthe that Askin and the Russians, somehow in fine working order despite their own copious intake, had to assist him back to 9062. Finding his cabin empty, George grew concerned, and enlisted the four to help make a search of the disco on Deck 13 and the pool area on Deck 11. But their search was so quick—nine minutes—as to seem perfunctory. They returned without Jennifer at 4:01 a.m.

Whether Askin and the Russians tried to set up Botha or



The blood found on the sheets could be key evidence that George's watch was forcibly removed. • The now infamous bloodstain on the lifeboat canopy

made a collective error cannot be known. But the Botha story does raise an important question: Why did only these four young men tell this version of events—and all other relevant witnesses flatly contradict it?

WHAT HAPPENED IN THE ROOM

After walking George back to 9062, Zachary Rozenberg's witness statement says, *We put him to bed and even took off his shoes. He was in his bed passed out not moving... We went back to my room and ordered room service around 4:30 and then went to bed.* Gregory's statement is almost exactly the same, but omits the room service. Josh's statement seems somewhat peculiar. He makes a big deal of using the bathroom in the Smith cabin: *We entered George's room, I went to use the bathroom, and Rusty and Zach took care of George while I was in the bathroom. After I was finished in the bathroom...* Josh's bathroom moment is a detail he repeated many times, either himself or through Greer, as if suggesting he was in no position to see anything, if there was anything to see. Josh continued, *I opened the door and said a verbal goodbye to George, but I never actually saw where he was in his room.*

Nevertheless, a timeline of events appears to support these blameless accounts. (One might say tender accounts, since a grateful George kissed the Russians goodnight, Kofman's attorney, Albert Dayan, has said.) Passkey records allegedly show Zach opening Stateroom 3008 at 4:05 a.m. and Greg opening 3004 two minutes later. These computerized data would seem to vouch for the

young men's innocence. But could someone have slipped down to Deck 3, used the passkeys, then hastened back to 9062? The answer is yes. And if a person were *let back into* that cabin, there would be no passkey insertion to record. More to the point, impartial witnesses also convincingly rebut the young men's story. Clete Hyman, a deputy police chief from Redlands, California, was staying with his wife in Stateroom 9064, next door to the Smiths. Here are excerpts from his typewritten statement: *Just after 04:00 hours on the morning of July 5, I was awakened by loud yelling in 9062. The yelling sounded like persons cheering on someone doing "shooters." ... I removed my earplugs and could again hear the subjects yelling in unison. At this point I called the guest relations desk and reported the disturbance. I also banged on the wall... During the next several minutes there was talking in the room, but I could not distinguish voices... It was quieter in the room for approximately five minutes and then there was loud arguing on the balcony between several male subjects. I could not tell what was being said*

as it sounded like it was Spanish. After about two minutes I could hear someone speaking in English saying "good night" several times. It sounded as if someone was trying to usher people from the balcony through the room. I heard the door open and male voices outside my door. After five to ten seconds, I opened my door and looked out. I observed three white or Latin males walking aft toward the elevators.

Hyman checked his watch: 4:18 a.m. The argumentative Spanish he heard could have been Russian. But the "three" males have always been a point of contention. »

EXCLUSIVE INFORMATION
The blood found on the sheets in Cabin 9062 has been determined to belong to George.



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What happened to the fourth? Did he stay behind in George's cabin, as Michael Jones and the Smiths believe? Did Hyman miscount? The deputy chief went on: *For the next five to eight minutes, there was movement and talking in Room 9062. I heard cabinet doors close and the flushing of the toilet. I could hear one male voice in the room. I then heard what sounded like balcony furniture on the balcony of Room 9062 being dragged about and picked up and dropped.*

Clete Hyman was not the only one who heard the loud sounds. Two cabins down from the Smiths, Carlos Menchaca, in 9066, was startled awake by *a big noise of many people.* And on the other side of the Smith cabin, Pat and Greg Lawyer, in 9060, heard the stressed voices and furniture-moving, but described the latter in more violent terms than Hyman: "What it sounded like to me is somebody was throwing things against the wall, like throwing furniture in the room against the wall or against the floor," Greg Lawyer told *Dateline*. So loud was the noise that the Lawyers assumed someone was "trashing" the cabin. Did the out-cold George wake up and begin talking to himself? Why all the furniture flinging? Was George raging against Jennifer? Or was someone "tossing" the room in search of cash and jewels? These are questions that remain unanswered.

The commotion died down for a couple of minutes. Then, at about 4:25 a.m., several passengers, including Hyman and the Lawyers, heard what Hyman described as "a horrific thud"—undoubtedly George hitting the lifeboat canopy two decks below. Nobody was heard leaving the Smith cabin, but in the aftermath of the reverberating crash this could have escaped notice. (Also, one passenger reported hearing a woman scream right after the thud.) The next sound, at 4:30, was that of two security officers finally answering Hyman's noise complaint made at 4:05. "You'd better get in there," said Greg Lawyer, who had poked his head out of 9060. The security officers rapped firmly on the door, but hearing nothing, went away.

At about the same time, a plumber found Jennifer asleep against a door at the end of a hallway on Deck 9. A cleaner, a facilities

supervisor and two security officers promptly arrived on the scene. When they got Jennifer back to 9062 at 4:50 a.m., they noticed the balcony curtain was closed and motionless, suggesting that the sliding glass doors behind the curtains were closed as well. (Even if the night air were still, a ship moving across the open sea would have created its own breeze and caused the curtains to blow about.) This is a curious detail: If George had gone out to smoke a cigar, would he have closed both the curtains and the glass sliders behind him? "It makes no sense," says Jones. "But it is consistent with somebody having done something and then leaving."

Josh and the Russians went down to Cabin 3008—Zach and Rusty's room—and supposedly ordered a glutton's supply of room service. They say they were so impressed by their mountain of food that they photographed it, with the date and time-stamp affixed (though these are known to be alterable). Later on July 5, Josh sat poolside and reportedly told Margarita Chaves, who had witnessed the Smiths' disco fight, "It was the room service that saved us." Josh plainly considered the room service and its documentation an alibi. But there's strong evidence suggesting the alibi was fabricated. According to Royal Caribbean's investigation, there was no record whatever of orders written down or delivered. Here we remember the Russians' abuse of the room service operator, Martina Mason, just three hours earlier, and a security officer's instructions to cut them off should they try to order again. It's true the embargo had applied to 3004, not 3008, "but they knew who these kids were," Jones says. The apparent spurning of their calls seems to confirm this.


Turkish police boarded the ship just after noon on July 5; they took blood samples off the lifeboat canopy and combed Stateroom 9062 for clues. On George and Jennifer's bed sheets they discovered two lozenge-shaped bloodstains. Each spot is small, only two centimeters long, but still big enough to suggest some sort of injury. Whose blood was it? "George's blood," Michael Jones says, disclosing the fact for the first time. It seems an odd coincidence that George would bleed into his sheets and fall overboard on the same night.

Maureen Smith suggests the stains, which run parallel to each other, could have resulted from an effort to pry the Breitling watch from George's wrist. "The watch was new and very hard to get on and off," she notes.

At a Kusadasi police station that day, police questioned Jennifer, Josh and the Russians. Once again Josh Askin provokes suspicion—not about what he did so much as what he knew. When the Turks told him Jennifer was a suspect, Josh said with remarkable certitude, "She has no idea what happened! She was with another man. The casino manager, Lloyd." He jabbed his finger at the floor. "You need to get him in here. I'm not letting her go to jail." How could Josh say Lloyd and Jennifer were together and implicate only Lloyd? Back on ship, Josh continued to trip alarms. Cabin attendant Francis Isidro claimed Josh asked him whether video cameras were installed in the corridors. Yes, they were, Isidro said. Josh asked where. Isidro refused to tell him, and Josh walked away. Two or three nights after George disappeared, Joan Cox, the head cleaner on the *Brilliance of the Seas*, happened to ride an elevator with Josh and his shipboard girlfriend, Corey Adams. Cox said Josh uttered the phrases "A**holes got me in trouble," "Almost got me arrested in Turkey," and "I know more than they think I know," before, in Cox's view, Corey kissed him to shut him up.

SUSPICIOUS BEHAVIOR

"I clung to Jennifer," Maureen Smith says of the weeks after her son's death. "She was all I had left of George." But in late fall the Smiths broke off contact with Jennifer, suspicious of her extreme reticence. She refused to talk about the night of George's death even in the privacy of the Smith home, and said she'd refuse to be deposed, if it came to that. Jennifer's inability to remember anything about the night in question completed the picture of a woman with something to hide. As rumors of a dalliance swirled, the Smiths were left wondering whether Jennifer was withholding something significant or merely embarrassing. It struck them as unlikely that she was withholding nothing at all. But Jennifer passed an FBI polygraph exam, as did Lloyd Botha. »



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One theory posits that Jennifer and George were “rufied”—slipped a drug in someone’s hope of incapacitating and robbing them. Blackouts and amnesia are typical effects of such drugs, which have a notorious history on cruise ships. Moreover, that terrible night was the one and only time Jennifer ever suffered a complete memory blackout, she testified in Greenwich Probate Court. It is indeed curious that both George and Jennifer deteriorated so rapidly in the early morning of July 5. At around 2:30, according to Jaci Friedlander, a cruise friend of the Smiths’, George wasn’t drunk and Jennifer seemed “very coherent.” An hour later both were a mess. “It’s a reasonable possibility that she was rufied, and that he might have been as well,” James Walker, Jennifer’s maritime attorney, says. “I find it strange that all these younger men had to carry George back to his room. Might have been excessive drinking, but it sounds like more than that to me.”

What happened next on the *Brilliance of the Seas* gave credence to dark imaginings about the Russians. On the night of July 6 leading into July 7, an eighteen-year-old from Georgia returned to her cabin (accompanied by a male friend) to find her traveling companion, also eighteen, trembling and shaking. *She told us she thinks she was raped and that it might have been videotaped. I asked her who did it and she said that it was Jeff, Greg and Rusty that she knew of.* The ordeal had begun with plenteous vodka in the hot tub up on Deck 11. The alleged victim herself reported, *I started to feel tipsy, so I got out of the hot tub. Jeff and Greg asked me where my cabin was and [said] that they’d take me back to my room.* They took her to their cabin instead, she reported. *I was on my back and Jeff got on top of me. I remember Greg saying he’d get the video camera.* The young woman then describes in graphic but strobe-like detail having sex with Jeff, Greg and Rusty. Strikingly, Greg asked her to speak “validifying statements” (her term) into the camera, including naming Greg as the film’s executive producer. Thus Greg anticipated questions of consent with the poise of an old hand: If she cried rape, the camera would show otherwise. When Rusty began taking his turn, the young woman wrote: *I believe I*

blacked out. Sometime later, I opened my eyes, amazed that I could see.

At 3:17 that morning, someone in 3004, Greg and Jeffrey’s cabin, called room service and tried to order “a motherf**ing turkey sandwich.” Martina Mason hung up the phone.

The young woman came forward with sexual assault charges, and on July 8 Royal Caribbean officials sat down for a tense meeting with the Rozenbergs. A handwritten notation in the Royal Caribbean file reads: *Rozenberg family out of control. Russian family all screaming and talking in Russian. Suspects [in the alleged rape] are very belligerent.* The following day, when the ship docked in Naples, Royal Caribbean ejected the Rozenberg and Askin parties from the cruise. (Josh Askin did not have sex with the young woman, though he was in the room, she said.)

Italian officials briefly looked into the rape charges, and then washed their hands of the matter, claiming they had no jurisdiction.

BEHIND THE SCENES

Publicly, the rest of the story concerned legal wrangling. In 2006 Jennifer, who was the administrator of George’s estate and had been harshly critical of Royal Caribbean, surprised the Smiths by settling George’s potential wrongful death claim against the cruise liner for \$1,050,000. Jones argued that this amount fell far short of George’s earning potential; further, the Smiths could not help but think Jennifer’s goal in settling had been to dodge embarrassing disclosures at a trial. As news of a rift between Jennifer and the Smiths trickled out, it was she who suffered the slings of public invective; a “black widow” reputation still taints Jennifer, now remarried with a child and living in Fairfield, despite the allaying of early suspicions. “She was calm and composed in public—maybe too composed,” says James Walker. “But she grieved unbelievably in private. Terrible, terrible, terrible.” In 2008, after extensive witness testimony in Greenwich Probate Court, Judge David Hopper upheld the settlement, saying Jennifer had acted prudently. The Smiths appealed to Stamford Superior Court. In 2010, shortly before that case was to go to trial, Jennifer, the Smiths and Royal Caribbean reached an amended

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settlement worth \$1.3 million, which, crucially, required the release to both families of the cruise liner's case file.

But behind the scenes? Leading up to the averted trial, Michael Jones was quietly deposing persons of interest in the death of George Smith. Attorneys typically advise their clients not to elaborate in depositions, knowing that prosecutors carefully parse all available statements in search of inconsistencies. But on basic "yes" or "no" questions, this shouldn't be an issue. Nevertheless:

Jones: *Did you play a part in the death of George Smith?* Josh Askin: *I invoke my Fifth Amendment right.*

After the deposition was over, Keith Greer, Askin's attorney, drew Jones aside and said he ought to take a close look at Greg Rozenberg. As Jones understands it, Josh claimed that Greg had disappeared from the alleged room service party in 3008. The impression that Askin knew more than he'd let on was reinforced by the disclosure in January, courtesy of *Dateline*, that he flunked his FBI polygraph exam.

When Jones deposed Zachary Rozenberg, he too repeatedly invoked his right against self-incrimination. Jones could say nothing about Rusty Kofman's deposition, citing an agreement with his attorney, Albert Dayan; nor is it known how Kofman fared on his polygraph. (Dayan did not respond to messages seeking comment; neither did Keith Greer, Askin's attorney; or Paul Hehir, director of litigation for Royal Caribbean. Gregory Rozenberg declined to be interviewed through his attorney, Keith Fousek, who himself did not respond to e-mailed questions; Zachary Rozenberg declined to be interviewed through his attorney, Arthur Gershfeld. When asked about the videotape, Gershfeld said he wouldn't comment on evidence, but maintained his client's innocence and expressed doubt that a crime was committed. Richard Sheeley, Jennifer's attorney, said, "Jennifer has made every effort to discover what occurred the night of her husband's death, but she prefers to live her life without further media attention as that attention has done little to serve George's memory or find answers for her and George's family.")

One who did comply willingly with Jones was Gregory Rozenberg. In 2010 Jones found him serving a three-year sentence in Florida State Prison for trafficking the narcotic oxycodone—a crime committed, Rozenberg says, to support his yen for clothes, jewelry and watches. In the deposition, which Jones videotaped, Rozenberg strikes one as raffishly engaging, smiling frequently and speaking in gangsta cadences. But his veracity quickly fails. He denies having sex with the young woman aboard the ship, though he knows Royal Caribbean confiscated the videotaped proof.

Of George's disappearance Rozenberg says he knows nothing; further, he professes total cooperation with the FBI in his desire to see the case solved. *I even offered a polygraph and everything. My lawyer offered that, man... The feds wanted me to take a polygraph. I took a polygraph.*

Jones seems surprised at this last little leap. *You took a polygraph?*

Yeah, it was inconclusive, because I'm ADHD. I guess you could tell I like to move a lot. It was inconclusive. Ain't no lies that I need to tell.

His chattiness oddly ceases when Jones asks him if he thinks Jennifer was involved in George's death. *No comment*, he says. He goes on to express his unambiguous view that George was murdered. *Why would somebody want to go overboard that's a millionaire, anyway?* he says, betraying his assumption of George's wealth. *Dude did not kill himself. I don't think he slipped and fell... Somebody hurt the dude, man. Somebody hurt him... Something crazy went down that night.* On this, at least, he and the Smiths agree.

Though encouraged by new stirrings in the case, the Smiths cannot help but wear George's loss heavily. "We're not the people we were before," Maureen says. "I see his face in front of me all the time. I hear his voice. You can't have him taken away from you in one split second and nobody explains why, or where, he went. It can't happen. It's not going to happen."

Mystery At Sea is the first in a three-part series on **UNSOLVED MURDERS of GREENWICH**



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