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Mom suing after son dies in summer drowning

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CARNEZ BOONE would have been back home in Delaware County by now.

But Boone, a 14-year-old Collingdale boy who had been sent to a residential treatment program in western Pennsylvania, disappeared in the murky water at Lakeside Park in Stoneboro last summer, drowning after having jumped off the high dive.

Besides having to deal with Carneze's early death, his mother, Okita Allen, can't help but wonder what he was doing on the diving board in the first place.

Carneze couldn't swim.

According to a lawsuit Allen filed last week, school counselors pressured Carneze to jump off the high dive during a class trip with the YES Academy, a yearlong residential program for troubled teens.

"My child is dead. There was no remorse, no compassion," said Allen, 38.

The lawsuit, which seeks unspecified damages, names the academy, two counselors, the company that runs the lake and two lifeguards.

A state investigation found that YES Academy did nothing wrong, and the executive director and owner of the program said that Carneze had told counselors that he could swim, and that he had gone to the YMCA at home.

Carneze was a troubled kid. He had attention-deficit hyperactivity disorder and behavior problems. He once set his sister's hair on fire, his mother said.

Finally, in June 2009, after Carneze was convicted on a conspiracy charge when his 16-year-old friend stole a car, a Delaware County Juvenile Court judge shipped him off to shape him up.

He was to spend 14 months at YES Academy, a comprehensive treatment program in Mercer

County for juvenile fire-starters, sex offenders and excessively aggressive youths. The 7,000-square-foot facility has recreational and educational programs, life-skills services and round-the-clock supervision.

One sunny afternoon on July 30, the YES Academy took about 16 teenagers to Lakeside Park after they begged the school director to let them go swimming.

Witnesses told Allen that a lifeguard questioned Carneze's ability to swim, but a counselor with the boy said that he was fine. YES Academy counselors urged him along, assuring the two lifeguards that Boone would be OK, the court documents allege.

According to a witness account obtained by the Daily News, Carneze was playing at a nearby table with some friends when some of them urged him to go out to the high dive. Terrified, he went up and counselors also "encouraged/made" Carneze jump, according to the witness.

The lake manager said that water depths vary - some areas have five feet of water, others can be 18 to 25 feet. Carneze was 6 feet 2 inches tall.

A counselor told the teen he had to go off the diving board the first time, according to the witness account. Carneze successfully jumped and swam back to the ladder multiple times, according to the witness.

But at one point the boys were unsupervised, and about 1 p.m. Carneze jumped in, but never came back up and "no one yelled help," according to the witness' account.

"I yelled, 'Why would you have him come out here if he can't swim that well,' and the [counselor] responded with, 'He could swim,' " according to the witness account. "Then I yelled, 'Not well enough to be out here alone,' and then they didn't say anything else."

The lifeguards didn't immediately help, the lawsuit alleges. Once Boone disappeared, the lifeguards and Gregory Buckel, a regular swimmer at the lake, tried to rescue him.

According to the witness account, the counselors entered the water only after two lifeguards and several bystanders.

Nearly 20 minutes later, Buckel located Carneze's body at the bottom of the lake. The lifeguards, both college students - identified in the suit as Kayla Marie Campbell and Benjamin Biers - tried to revive Carneze with CPR.

"It's been really depressing and stressful," said Allen, who now attends therapy with her two daughters. "I try not to break down. He was just a happy-go-lucky kid."

The executive director of YES Academy, Joseph Ferrainola, who was not at the lake when Carneze drowned, said he is depressed about the death of his student and that counselors did all they could.

"He became a classic gentleman," Ferrainola said of Carneze's transformation at the school. "It was a bad accident."

Ferrainola told the Daily News that the kids had been begging him to take them swimming.

Carnez told counselors that he knew how to swim, Ferrainola said. Besides, he said, Carnez and the rest of the students had to demonstrate their ability to swim before going into the water.

But it isn't clear where this demonstration was held. The school's website lists amenities such as an athletic field, basketball court and recreation room, but it does not appear the school has a swimming pool on campus.

A patient report from the University of Pittsburgh Medical Center from the day of his death stated that Carnez was a nonswimmer. Ferrainola didn't respond to a request for a follow-up interview last night.

Previously, Ferrainola denied that counselors pressured Carnez into jumping, adding that there's nothing to hide.

"I wish we could have saved him," he said. "He was one of my favorites. I feel bad. I can't bring him back."

Carnez's death was determined to be an accident, said James DiMaria, chief of Stoneboro Police. He said he had no evidence that anyone was negligent.

Nancy, the mother of lifeguard Benjamin Bier, said this week that her son jumped in to save Boone.

"He did the attempted rescue and CPR," Nancy said. "This was very hard for him. He took this very hard."

Only two of at least five counselors present that day were named in the lawsuit, Michael Craco and Damien Ferrainola, the executive director's son. Philip Ehrlich, the president of YES Academy and Jean Greer Caufield, a shareholder in the Lakeside Park Company, were also named. The counselors couldn't be reached for comment.

After an investigation, the state Department of Public Welfare's Office of Children, Youth and Families Division determined that the YES Academy "followed all of the appropriate guidelines and procedures for caring for the child," said department spokesman Michael Race. "It was just an unfortunate accident at a public swimming area. No wrongdoing or regulatory violations were found."

The family's lawyer, Joseph Messa, said that the school, the lifeguards and the company that owns the lake - Lakeside Park Company - were negligent by failing to supervise, monitor and protect Carnez.

Carnez suffered from ADHD and behavioral problems, but regardless, "The child's safety is the most important thing," Messa said.

Carnez, who loved dancing, karate and shrimp, had been scheduled to return home in August, about a month after he died.

"I was looking forward to him coming home," Allen said. "I just keep myself busy so I won't have to dwell on the fact that he is no longer here."

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