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Lawyer Won't Halt Search for Missing Cruise Ship Passenger

By **CHRISTIAN NOLAN**

It's been nearly a decade and the parents of George Smith IV still don't know what happened to their son who disappeared during his honeymoon cruise in 2005.

The 26-year-old Greenwich man was aboard a Royal Caribbean ship when he vanished somewhere between Greece and Turkey on July 5, 2005, after an apparent night of drinking. Blood stains were found on a lifeboat canopy, but his body was never recovered and nobody has been charged in connection with his disappearance.

Earlier this month, FBI officials in Connecticut told the family that they have ended their investigation. The family lawyer, Michael Jones, of Greenwich, has been leading the search for answers. He is disappointed by the latest news, but vows to keep trying to find out what really happened to Smith.

"It breaks my heart that I can't get some sort of answer or closure for the Smith family," Jones told the Law Tribune. "I think they deserve more than they have gotten from the Justice Department. It's the type of case where I can't let it go. I'm convinced George Smith was murdered and that with the right investigatory approach answers can be found. I really won't stop until I get those answers."

The mystery of what really happened to Smith that night has drawn national attention for nearly a decade. And as a result, Jones himself has been in the spotlight, appearing on national television news programs such as "Dateline" and "48 Hours."

"For good or bad, people associate me with the case," said Jones, who practices at Ivey, Barnum & O'Mara. "I'll be in court [for other cases] and people will ask me how is it going, even people I don't know. People have come up to me in stores. I've always said, 'Look, it's not about me, it's about getting the message out there, trying to find that one person that may know



MICHAEL JONES

GARY LEWIS

something that may break the case."

After the Smith family announced that there would be a \$100,000 reward for information, Jones began receiving calls from all over the country. A few tips have seemed helpful and he passed them along to the FBI. However, he said he's had to deal with his share of weirdos with conspiracy theories. One person threatened Jones after the lawyer told him he didn't have hours to discuss the entire case with him.

Jones initially was hired by Smith's parents to represent their interest in probate court proceedings in Greenwich.

In early 2007, it was announced that Smith's widow, Jennifer Hagel Smith, was ready to accept a \$1 million settlement with Royal Caribbean. Under state law, Hagel Smith would be entitled to the first \$100,000 and 75 percent of the balance after the estate's bills were paid.

The proposed settlement caused a rift with Smith's parents and sister, who sued Royal Caribbean, accusing the company of

a cover-up that hindered the investigation. Jones said Hagel Smith, who has since remarried and has children, had worked closely with the family in trying to find answers about her husband's disappearance.

But when she had an opportunity to settle, Jones said the parents were unaware of the deal until after the documents were signed. This, he said, negatively impacted a maritime lawsuit the family had filed against the cruise line; that claim was eventually dismissed. So Jones was hired to file a pair of probate court motions to remove Hagel Smith as administratrix of Smith's estate and to overturn the settlement agreement.

Jones explained that the parents did not feel Hagel Smith was acting in the best interests of the estate. The falling-out was not over money but centered on a confidentiality clause in the settlement allowing Royal Caribbean officials to turn over only information they deemed relevant in the case. It also precluded the family from releasing any information obtained from the cruise line to

the public, a step the parents felt might be necessary to leverage more tips.

Greenwich Probate Judge David Hopper denied the motions regarding the settlement and Hagel Smith's role as administratrix. So Jones next appealed in Superior Court. "The probate court ruling against us actually became a blessing in disguise," Jones explained. "Once we brought the appeal to the Superior Court, we had the ability to start taking depositions and paper discovery."

This, Jones said, allowed him to question the principal targets in the FBI's investigation.

While on the cruise, Smith and his bride met "the Russians"—Gregory Rozenberg, Zachary Rozenberg and Rostislav "Rusty" Kofman. The attorney explained that the investigation revealed that Gregory Rozenberg was heard on a cellphone video recording of the group laughing about Smith's death. At one point, Gregory flashes gang signs into the camera and says, "I told ya I was gangsta!"

Jones said another man, Josh Askin, was palling around with the Russians that night. A cruise ship employee claims to have heard Askin talking on the telephone the next day, telling someone he was going to rat out the Russians. Questioned by investigators, the Russians offered the alibi that they ordered room service and were in their room that night. According to the cruise line, no food was delivered to their room that night.

"When you add all those circumstantial facts together, how are you supposed to ask the family to accept the argument that this was an accident?" said Jones.

So Jones began taking depositions. The result was a whole lot of pleading the constitutional right against self-incrimination. "This case is unbelievable," said Jones. "Josh Askin took the Fifth Amendment to every single question that I asked him. When the deposition was over, his lawyer said to me, 'You need to look at Greg Rozenberg.'"

Jones was tipped off that Rozenberg left his room that night. The lawyer deposed Rozenberg in a Jacksonville prison, where

he was serving time for trafficking narcotics. He answered all of the questions about that night on the cruise. "But a lot of what he said was not true," Jones said.

Jones next sent notice to Royal Caribbean's CEO that he was to be deposed. That prompted immediate settlement talks, Jones said.

This settlement offer, at \$1.3 million, was bigger than the first one. Even better, said Jones, "we got all the information Royal Caribbean had, not what they deemed 'relevant.' That was a big get for us." Jones turned all of the discovery over to the FBI. "We felt there was some pretty damning information," he said.

Jones entered a new phase in his representation of the Smith family: a liaison between the family, the FBI and the U.S. Attorney's Office in Connecticut. "I shifted gears from being a courtroom lawyer to basically someone who became a pain in the butt to the FBI and the U.S. attorney," Jones said.

Initially, he said, the authorities took great interest in the case. But once the lead FBI agent was transferred to another jurisdiction, the case was passed on to another agent who, Jones said, seemed fairly uninterested. Further, he said the U.S. Attorney's Office was not putting any pressure on the bureau to push the case along.

"It became pretty clear after a few years that there was nobody invested in the case out of the Connecticut [FBI] office," said Jones, adding that two years into the investigation one of the agents assigned to the case was unsure of the names of the Russians. "Unfortunately, there was no pressure from the U.S. attorney to keep the case moving."

That started a multiyear odyssey to try to get the case moved out of Connecticut and to the Southern District of New York. Three or four years ago, Jones said an assistant U.S. attorney in New York was willing to take the case, as was a New York FBI agent, but the Connecticut U.S. Attorney's Office wouldn't hand it over.

Jones and the family later met with then-

U.S. Attorney David Fein, who agreed to allow the New York authorities to take the case if they wanted it. By the time Connecticut granted permission, New York said no. Through Jones' persistence, New York changed its mind, but so did Connecticut, where federal authorities said they wanted to take one more crack at it.

"Honestly, we went through this period of ridiculousness where I felt like a ping-pong ball going back and forth," said Jones. The attorney added that he did encounter some very helpful people in both the U.S. Attorney's Office and the FBI, but the timing always seemed off.

Then came the announcement earlier this month that Connecticut authorities were done investigating. They told the family that Smith's death may have been an accident.

Connecticut's U.S. attorney told the Law Tribune that officials disagree with Jones' view of their investigative efforts.

"For more than nine years, several current and former assistant U.S. attorneys from our office have been deeply involved in the investigation of George Smith's disappearance, and have carefully reviewed all of the evidence in the case," said Deirdre Daly. "We continue to extend our sympathy to the Smith family and to Jennifer Hagel for the loss they have suffered."

Jones is still hopeful he can help convince another jurisdiction, including New York, to investigate.

"It's the case of a lifetime from the standpoint that you feel like you are doing the right thing, but it's unfulfilling because we have not been able to get a conviction," said Jones.

Jones said the family needs "a little bit of luck" to find out what really happened nearly a decade ago on that cruise ship.

"The case is on my mind all the time," said Jones. "It's been a very emotional up-and-down journey."

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