

SECTION 9.  
Transcription of Voice Recording(s)



# Federal Aviation Administration

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## Memorandum

Date: April 17, 2014  
To: Aircraft Accident File ZJX-ARTCC-0231  
From: Jacksonville Air Route Traffic Control Center  
Subject: **INFORMATION**: Partial Transcript  
Aircraft Accident, N923RS  
Brunswick, GA, March 24, 2014

This transcription covers the Jacksonville Air Route Traffic Control Center (ARTCC) D73 RA position for the time period from March 24, 2014, 2122 UTC, to March 24, 2014, 2235 UTC.

Agencies Making Transmissions	Abbreviations
N923RS	N923RS
Jacksonville ARTCC Allendale Radar Position	R73
R26527	R26527
Unknown	UNK
Jacksonville ARTCC Allendale Radar-Associate Position	D73
Beaufort ATCT	NBC
ATLANTIC SOUTHEAST AIRLINES (ATLANTA, GA), ASQ5527	ASQ5527
Jacksonville ATCT	JAX
N89RP	N89RP
N505GF	N505GF
N75VB	N75VB
Savannah ATCT	SAV

I certify that the following is a true transcription of the recorded conversations pertaining to the subject Aircraft Accident involving N923RS.

[REDACTED]

Constance W. Gahrts  
Staff Support Specialist, Quality Control  
Jacksonville ARTCC

2122  
(2123-2126)

2127

2127:23 N923RS center seminole niner two three romeo sierra with you at eight thousand

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2127:28 R73 seminole niner two three romeo sierra jax brunswick  
altimeter three zero zero eight

2127:32 N923RS all right three zero zero eight niner two three romeo .  
sierra

2128  
(2129-2131)  
2132

2132:24 R73 attention all aircraft we've got airmets uh sierra tango  
zulu for the southeastern u s and coastal waters further  
information available on hiwas flight watch or flight  
service

2133  
(2134-2138)  
2139

2139:27 R73 november nine two three romeo sierra jax

2139:42 R73 november nine two three romeo sierra jax

2139:54 R73 november niner two three romeo sierra jax center  
2140

2140:36 R73 november niner two three romeo sierra jax center how do  
you hear

2141

2141:33 R73 army two six five two seven jax

2141:43 R73 army two six five two seven jax

2141:47 R26527 ah two six five two seven go

2141:48 R73 could you do me a big big favor

2141:51 R26527 sure what can i do for you

2141:53 R73 ah could you reverse course head over towards golden isles  
about seven north your position i had a uh a p a forty  
four at eight thousand in your vicinity uh i uh saw him  
go down about three hundred feet and then uh completely  
lost him on radar i don't know if it was full electrical  
failure or what but i lost him right over the golden  
isles airport

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2142:13 R26527 uh you need me to head back to golden isles uh give me a second i need to find out if i have fuel if you give me a heading right now i can start the turn

2142:20 R73 yeah yeah i understand the fuel situation uh be a three fifty from your present position

2142:25 R26527 okay we are uh we are right three five zero

2142:28 R73 appreciate it

2142:56 R73 november nine two three romeo sierra jax center  
2143

2143:11 R26527 jax center army two six five two seven

2143:13 R73 yes sir

2143:14 R26527 i'm gonna need you to descend me to probably two thousand five hundred so i can get out of the clouds

2143:20 R73 army two six five two seven roger and uh ah at your discretion maintain uh two thousand and again it's a twin it's a twin engine uh p a forty four

2143:35 R26527 okay five two seven we'll be searching  
2144

2144:33 UNK hey jax what was the origin of that p a forty four

2144:55 R73 and i had a question here

2144:57 UNK yeah what was the origin of that p a forty four  
2145

2145:07 R73 army two six five two seven he was just east of the golden isles airport southbound at eight and then uh i showed him at three hundred feet low and then uh i i lost \* (everything didn't even get a) primary on him

2145:32 D73 beaufort approach allendale

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2145:34 NBC beaufort

2145:36 D73 are you working that november one two four delta romeo

2145:37 NBC i am

2145:38 NBC uh i took radar on him he's not talking to me yet

2145:42 D73 yeah we're we're trying to find uh an aircraft down around  
brunswick but uh we'll switch him here to you in a minute  
and piedmont on as well

2145:49 NBC okay thanks

2145:50 D73 tango xray

2145:51 NBC tango pop

2145:56 ASQ5527 nothing (unintelligible) around the area either  
2146

2146:22 R26527 and jax center army two six five two seven

2146:37 R73 army two six five two seven go ahead

2146:40 R26527 ah army two six five two seven we have ah golden isles in  
sight we see no uh we don't see that aircraft anywhere in  
the area

2146:48 R73 okay

2146:54 R73 army two six five two seven roger i do show a v f r track  
nine hundred appears to be in your general vicinity use  
caution there and i i thanks for looking and uh if you  
want to uh head back south that that'd be fine also if

2147:15 R73 uh that he may have gone in there as well

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2147:20 R26527 uh five two seven wilco and uh do you have contact with uh  
with golden isles yet

2147:27 R73 army two six five two seven and uh for mckinnon airport  
about a one forty heading for that you're asking what are  
you asking about on golden isles

2147:36 R26527 i just wanted to know if you had communication with golden  
isles or if you need me to \*(see if they) landed

2147:40 R73 uh i've we've got uh we've got communications with the f b  
o there uh they can do a ramp check for us i have a i  
have a regional jet just departed out of there he didn't  
see it either

2147:55 R26527 okay uh what we're gonna do is uh we'll head toward  
malcolm mckinnon and we're going to have to expedite our  
uh our check down south

2148:02 R73 okay understand  
2149  
2150  
2150:24 R26527 (unintelligible) army two six five two seven no uh uh we  
have no visual on the aircraft that uh may be down in the  
vicinity of golden isles or mckinnon we're gonna turn  
(unintelligible)

2150:35 R73 army two six five two seven appreciate all your help there  
maintain four thousand thank you

2150:40 R26527 five two seven four thousand  
2151  
2152  
2153  
2153:56 R73 army two six five two seven contact jax approach one two  
seven point zero  
2154

2154:04 R73 army two six five two seven appreciate your help contact  
jax approach one two seven point zero

2154:09 R26527 twenty seven nothing for uh army five two seven you bet  
bye

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2155

2156

2156:52 D73 jax north brunswick jekyll

2156:54 D73 thirty one

2156:58 JAX north

2156:59 D73 coordination you might be showing him overdue right now  
november nine two three romeo sierra

2157:01 JAX yeah

2157:02 D73 uhm we we lost radar on him over the brunswick golden  
isles airport

2157:07 JAX okay

2157:09 D73 so if if you could block eight thousand for him and

2157:11 JAX i'll look for him yep (unintelligible)

2157:12 D73 thank you t x

2158

(2159-2203)

2204

2204:04 D73 okay relief briefing checklist is up status board is up to  
date equipment is functioning normally here there's no  
outages on the board concerning us weather everybody's  
asking for instruments er actually no they they're doing  
the visuals now uhm it's kinda marginal okay were you  
here earlier no no i haven't worked these sectors yet  
okay i know what's going on now yeah it's marginal \*(up)  
a little above altimeters support flight level one eight  
zero special use is up there sealord is up to ten surface  
to ten surface to five elsewhere yeah see where it is  
yeah where it is not gotcha charlotte atlanta metering  
jax is runway eight operations and uh traffic november uh  
nine two three romeo sierra is uh cleared off of there  
i'm sorry no he's (unintelligible) niner romeo papa is  
cleared off of there all right all right i know about the

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uh other guy nine two three romeo sierra is the guy that dropped off our radar at eight thousand uhm hm i called jax and told him i called jax okay and the tower i called the sup they said they are looking for him too yeah uhm right now that uh six five niner juliett at seven thousand he's routed right right through there all right i put a new route and \*(hold) time that'll get him around it sardi uh savannah sardi asheville okay and that is all that's going on the the other one uh five zero five golf foxtrot is the next one coming off uh huh heard him clear him off there i got this guy capped over here nine two three romeo sierra okay and that's that's \*(everett) that's it all right t x

2206

2206:08 N89RP on the e l t nine romeo papa

2206:09 R73 nothing on it you say

2206:10 N89RP that's correct negative

2206:11 R73 all right thanks for checking

2207

2207:56 D73 all right jason you have brunswick and allendale here two three alpha i'll fix that yeah savannah direct all right let's see savannah he just needs uh monia victor four forty one gainesville you've got time to do that here once we get you briefed in he's way up by brown north of brown yeah all right status board is up and posted dark radar comm works and notams you know where to find 'em weather uh marginal v m c out there he said they're doing visuals now okay they were doing approaches earlier warning restricted areas moas one fifty seven alpha north is ten thousand everything else is five thousand over land alpha bravo charlie to fourteen thousand delta echo to ten bulldogs are hot and we got rob roy drawn up that went cold okay eh restrictions runway eight at jax special ops get back to that non r v s m comm status traffic okay special ops look at the data block for at brunswick nine three nine two three romeo sierra he was southbound at eight thousand and fell off the radar so oh okay an alnot put out for him uh they been looking looking for him listening for him and were look can't find him right now so but everybody approach has been told if they hear to let us know they okay checked e l t's and they're calling the sheriff up at the watch desk so other than that you've got a bad route on this guy going to sarasota uhm hm from victor four forty one to



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gainesville that's all i got to add right now i just sat  
down questions uhm nope

2210  
(2211-2212)  
2213

2213:22 R73 november five zero five golf foxtrot contact jax center  
one two seven point five seven

2213:27 N505GF twenty seven fifty seven and negative on the e l t

2213:30 R73 appreciate you checking

2214  
(2215-2217)

2218  
2218:27 N75VB (unintelligible) on the ground at golden isles with a  
request

2218:30 R73 someone on uh on the ground who's got that

2218:35 R73 someone on the ground at golden isles again  
2219

2219:09 R73 i had somebody at golden isles

2219:11 N75VB gulfstream seven five victor bravo on the ground at golden  
isles with a request

2219:14 R73 okay say request

2219:17 N75VB ah yes sir we're uh \*(ah maybe) just fifteen twenty  
minutes away from starting up we're just doing a  
maintenance flight uhm we heard a rumor that there's an  
aircraft that went down on the uhm the uh east side of  
the field off of runway two five is that gonna affect us  
at all

2219:31 R73 well i uh i don't know that he went down i just uh he was  
on radar i i lost him just east of golden isles there but  
at that time he was at eight thousand now he may have  
been a full electrical failure i don't know but uh we  
haven't we've lost communications but uh as far as you  
getting out of that field there's no issue there

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2219:48 N75VB okay thank you sir uhm i'll give you a call when we're holding short of runway seven for seven five victor bravo

2219:53 R73 okay  
2220  
2221  
2222

2222:12 D73 savannah south eighty five brunswick jekyll i've got a question

2222:16 SAV savannah i didn't do it

2222:17 D73 hey uh

2222:18 SAV what

2222:19 D73 niner two three romeo sierra he went through your airspace about uh thirty five four forty minutes ago

2222:23 SAV okay

2222:24 D73 uhm and uh we just lost lost him on on radar on two one four five zulu and i we were wondering if it might be an electrical failure or anything have you heard anything from an aircraft like that maybe turned back northbound

2222:37 SAV okay he came from me to you

2222:39 D73 affirmative he was uh uh columbia allendale

2222:41 SAV what what's the call sign

2222:42 D73 uh november niner two three romeo sierra his route through your airspace would have been allendale uh from allendale then south to brunswick

2222:51 SAV nine two three romeo sierra i i'll go look it up \*(and see if i'll get it to you) i haven't heard of anything coming

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back

2222:55 D73 okay

2222:56 SAV and i've been here for about a half an hour forty minutes  
i i'll look it up

2223:00 D73 well if you hear anything just let us know

2223:01 D73 thanks

2223:01 SAV sure

2223:02 D73 o w  
2224

2224:52 SAV \*(brunswick eighty five line savannah)

2224:54 D73 brunswick jekyll

2224:55 SAV yeah i got script in my hand here and according uh  
according to the strip i wasn't here but according to the  
strip we gave him to you and hadn't heard from him since

2225:01 D73 okay thanks

2225:02 SAV okay \*(t j)

2225:03 SAV i i shouted out on my freqs i can't hear him

2225:04 D73 okay thanks o w

2226

(2227-2228)

2229

2229:34 R73 here we go status good equipment's working uh eighteen  
works uh pretty breezy i believe at least it was twenty  
to twenty six knots twenty four there at mckinnon uh  
light rain looking for clearances out of there uhm off  
and on five or ten depending upon where you're at over

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here patchy shelf is still depicted i think that's ten  
right there a b and c are fourteen d and e are ten still  
not here at the uh the bulldogs runway eight at jax uhm  
i'll take this so they don't start whining starting from  
here so that's new new brunswick freq that was apreged  
but he's leveled off now cut him loose just going to  
twenty two voided at three five i've got a golden isles  
guy uh looking for clearance too you'll hook him up he's  
the only one i got no he's not uh two seven eight five  
zero it's a \*(p a thirty one) all right i'm going to  
ignore him okay new stuff this one here went uh  
southbound to \*(scope) everybody's looking for him we've  
we've done everything we can do with him right now okay  
uh dave can fill you in later on him if you want some  
details all right but anyway he's our special ops and  
that's keep an eye and that's everything okay questions i  
have no questions okey dokey thanks jason

2230  
(2231-2234)  
2235

End of Transcript

\*This portion of the copy of the recording is not entirely clear, but this  
represents the best interpretation possible under the circumstances.

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# Federal Aviation Administration

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## Memorandum

Date: April 17, 2014  
To: Aircraft Accident File ZJX-ARTCC-0231  
From: Jacksonville Air Route Traffic Control Center  
Subject: INFORMATION: Partial Transcript  
Aircraft Accident, N923RS  
Brunswick, GA, March 24, 2014

This transcription covers the Jacksonville Air Route Traffic Control Center (ARTCC) R73 R position for the time period from March 24, 2014, 2038 UTC, to March 24, 2014, 2235 UTC.

Agencies Making Transmissions	Abbreviations
N923RS	N923RS
Jacksonville ARTCC Allendale Radar Position	R73
Columbia ATCT	CAE
Savannah ATCT	SAV
R26527	R26527
Unknown	UNK
ATLANTIC SOUTHEAST AIRLINES (ATLANTA, GA), ASQ5527	ASQ5527
N988EC	N988EC
N89RP	N89RP
N505GF	N505GF
N75VB	N75VB
Jacksonville ATCT	JAX

I certify that the following is a true transcription of the recorded conversations pertaining to the subject Aircraft Accident involving N923RS.



Constance W. Gahris  
Staff Support Specialist, Quality Control  
Jacksonville ARTCC

2038  
(2039-2042)  
2043

2043:08 N923RS \*(jax this is) seminole niner two three romeo sierra with  
you at eight thousand

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2043:14	R73	november niner two three romeo sierra jax center the uh augusta altimeter three zero one one
2044 (2045-2055)		
2056		
2056:30	R73	november nine two three romeo sierra contact savannah approach one two five point three good day
2056:46	R73	november nine two three romeo sierra jax
2056:57	R73	columbia twelve allendale
2057:00	CAE	columbia
2057:01	R73	could you see if uh nine two three romeo sierra went back to your frequency put him on me
2057:04	CAE	(unintelligible)
2057:05	CAE	nine two three romeo sierra
2057:06	R73	yes
2057:07	CAE	*(juliett) bravo
2057:44 2058	R73	november nine two three romeo sierra jax ident
2058:05	R73	savannah north allendale fifty four
2058:07	SAV	savannah north
2058:08	R73	did november nine two three romeo sierra come over
2058:10	SAV	yes he did
2058:11	R73	all right thanks

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2058:11 SAV \* (b) k  
2059  
2100  
2100:30 SAV allendale (unintelligible) fifty four point out  
  
2100:32 R73 allendale  
  
2100:33 SAV yeah at the corner between me you and uh beaufort code  
three six three four uh dog inbound to savannah  
descending out of ninety seven hundred for uh four  
thousand  
  
2100:41 R73 yeah point out approved sorry about romeo sierra  
  
2100:43 SAV hey no problem  
  
2100:44 R73 (unintelligible) warning area there  
  
2100:45 SAV yeah no problem yeah yeah  
2101  
(2102-2126)  
2127  
2127:23 N923RS center seminole niner two three romeo sierra with you at  
eight thousand  
  
2127:28 R73 seminole niner two three romeo sierra jax brunswick  
altimeter three zero zero eight  
  
2127:32 N923RS all right three zero zero eight niner two three romeo  
sierra  
2128  
(2129-2131)  
2132  
2132:24 R73 attention all aircraft we've got airmets uh sierra tango  
zulu for the southeastern u s and coastal waters further  
information available on hiwas flight watch or flight  
service  
2133  
(2134-2138)  
2139  
2139:27 R73 november nine two three romeo sierra jax

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2139:42 R73 november nine two three romeo sierra jax

2139:54 R73 november niner two three romeo sierra jax center  
2140

2140:36 R73 november niner two three romeo sierra jax center how do  
you hear  
2141

2141:33 R73 army two six five two seven jax

2141:43 R73 army two six five two seven jax

2141:47 R26527 ah two six five two seven go

2141:48 R73 could you do me a big big favor

2141:51 R26527 sure what can i do for you

2141:53 R73 ah could you reverse course head over towards golden isles  
about seven north your position i had a uh a p a forty  
four at eight thousand in your vicinity uh i uh saw him  
go down about three hundred feet and then uh completely  
lost him on radar i don't know if it was full electrical  
failure or what but i lost him right over the golden  
isles airport

2142:13 R26527 uh you need me to head back to golden isles uh give me a  
second i need to find out if i have fuel if you give me a  
heading right now i can start the turn

2142:20 R73 yeah yeah i understand the fuel situation uh be a three  
fifty from your present position

2142:25 R26527 okay we are uh we are right three five zero

2142:28 R73 appreciate it

2142:56 R73 november nine two three romeo sierra jax center  
2143

2143:11 R26527 jax center army two six five two seven

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2143:13 R73 yes sir

2143:14 R26527 i'm gonna need you to descend me to probably two thousand  
five hundred so i can get out of the clouds

2143:20 R73 army two six five two seven roger and uh ah at your  
discretion maintain uh two thousand and again it's a twin  
it's a twin engine uh p a forty four

2143:35 R26527 okay five two seven we'll be searching  
2144

2144:33 UNK hey jax what was the origin of that p a forty four

2144:55 R73 and i had a question here

2144:57 UNK yeah what was the origin of that p a forty four  
2145

2145:07 R73 army two six five two seven he was just east of the golden  
isles airport southbound at eight and then uh i showed  
him at three hundred feet low and then uh i i lost  
\*(everything didn't even get a) primary on him

2145:33 R73 acey five five two seven question

2145:36 ASQ5527 go ahead

2145:37 R73 i had a a p a forty four seminole ah just east of the  
field southbound there i i'm not sure if i lost him uh i  
lost all electrical on him or not did you happen to see  
anything going into the field there

2145:48 ASQ5527 uh negative

2145:56 ASQ5527 nothing (unintelligible) around the area either  
2146

2146:22 R26527 and jax center army two six five two seven

2146:37 R73 army two six five two seven go ahead

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2146:40 R26527 ah army two six five two seven we have ah golden isles in sight we see no uh we don't see that aircraft anywhere in the area

2146:48 R73 okay

2146:54 R73 army two six five two seven roger i do show a v f r track nine hundred appears to be in your general vicinity use caution there and i i thanks for looking and uh if you want to uh head back south that that'd be fine also if if you wouldn't mind just ah flying ah just west of uh malcolm mckinnon airport just uh for a chance uh that he may have gone in there as well

2147:20 R26527 uh five two seven wilco and uh do you have contact with uh with golden isles yet

2147:27 R73 army two six five two seven and uh for mckinnon airport about a one forty heading for that you're asking what are you asking about on golden isles

2147:36 R26527 i just wanted to know if you had communication with golden isles or if you need me to \*(see if they) landed

2147:40 R73 uh i've we've got uh we've got communications with the f b o there uh they can do a ramp check for us i have a i have a regional jet just departed out of there he didn't see it either

2147:55 R26527 okay uh what we're gonna do is uh we'll head toward malcolm mckinnon and we're going to have to expedite our uh our check down south

2148:02 R73 okay understand  
2149  
2150

2150:24 R26527 (unintelligible) army two six five two seven no uh uh we have no visual on the aircraft that uh may be down in the vicinity of golden isles or mckinnon we're gonna turn (unintelligible)

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N923RS

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2150:35 R73 army two six five two seven appreciate all your help there  
maintain four thousand thank you

2150:40 R26527 five two seven four thousand

2151

2152

2153

2153:56 R73 army two six five two seven contact jax approach one two  
seven point zero

2154

2154:04 R73 army two six five two seven appreciate your help contact  
jax approach one two seven point zero

2154:09 R26527 twenty seven nothing for uh army five two seven you bet  
bye

2155

(2156-2202)

2203

2203:02 R73 november nine eight echo charlie jax

2203:04 N988EC yeah go ahead for echo charlie

2203:06 R73 yeah if you would just uh monitor one twenty one five and  
let me know if you're picking up any e l t's

2203:10 N988EC (unintelligible) that  
2204

2204:16 R73 november eight nine romeo papa if you would uh monitor one  
two one point five let me know if you're picking up any e  
l t's

2204:20 N89RP eight nine romeo pop will do it

2204:23 N988EC echo charlie not getting anything there

2204:25 R73 okay thanks for your check  
2205

2206:00 R73 lear eight nine romeo pop contact jax center one two seven  
point five seven

2206:06 N89RP two seven five seven we have nothing on the e l t nine

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romeo papa

2206:09 R73 nothing on it you say

2206:10 N89RP that's correct negative

2206:11 R73 all right thanks for checking

2207

2208

2209

2209:05 R73 november five golf foxtrot if you would uh monitor one two  
one five let me know if you're picking up an e l t

2209:10 N505GF will do golf fox

2210

(2211-2212)

2213

2213:22 R73 november five zero five golf foxtrot contact jax center  
one two seven point five seven

2213:27 N505GF twenty seven fifty seven and negative on the e l t

2213:30 R73 appreciate you checking

2214

(2215-2217)

2218

2218:27 N75VB (unintelligible) on the ground at golden isles with a  
request

2218:30 R73 someone on uh on the ground who's got that

2218:35 R73 someone on the ground at golden isles again

2219

2219:09 R73 i had somebody at golden isles

2219:11 N75VB gulfstream seven five victor brave on the ground at golden  
isles with a request

2219:14 R73 okay say request

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2219:17 N75VB ah yes sir we're uh \*(ah maybe) just fifteen twenty minutes away from starting up we're just doing a maintenance flight uhm we heard a rumor that there's an aircraft that went down on the uhm the uh east side of the field off of runway two five is that gonna affect us at all

2219:31 R73 well i uh i don't know that he went down i just uh he was on radar i i lost him just east of golden isles there but at that time he was at eight thousand now he may have been a full electrical failure i don't know but uh we haven't we've lost communications but uh as far as you getting out of that field there's no issues there

2219:48 N75VB okay thank you sir uhm i'll give you a call when we're holding short of runway seven for seven five victor bravo

2219:53 R73 okay  
2220  
2221

2221:17 R73 north brunswick thirty one

2221:19 JAX north

2221:20 R73 yeah you knew \*(earlier) we were looking we're looking for that nine

2221:22 JAX three romeo sierra

2221:23 R73 yeah

2221:23 JAX yeah we're still looking

2221:24 R73 have you have you guys just uh worked him or

2221:26 JAX we have not worked him or a

2221:27 R73 (unintelligible)

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2221:27 JAX yeah

2221:27 UNK (unintelligible)

2221:28 JAX yeah

2221:29 JAX yeah

2221:30 R73 okey dokey

2221:31 JAX (unintelligible)

2221:31 R73 k e

2222

(2223-2228)

2229

2229:34 R73 here we go status good equipment's working uh eighteen works uh pretty breezy i believe at least it was twenty to twenty six knots twenty four there at mckinnon uh light rain looking for clearances out of there uhm off and on five or ten depending upon where you're at over here patchy shelf is still depicted i think that's ten right there a b and c are fourteen d and e are ten still not here at the uh the bulldogs runway eight at jax uhm i'll take this so they don't start whining starting from here so that's new new brunswick freq that was apreged but he's leveled off now cut him loose just going to twenty two voided at three five i've got a golden isles guy uh looking for clearance too you'll hook him up he's the only one i got no he's not uh two seven eight five zero it's a \*(p a thirty one) all right i'm going to ignore him okay new stuff this one here went uh southbound to \*(scope) everybody's looking for him we've we've done everything we can do with him right now okay uh dave can fill you in later on him if you want some details all right but anyway he's our special ops and that's keep an eye and that's everything okay questions i have no questions okey dokey thanks jason

2230

(2231-2234)

2235

End of Transcript

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\*This portion of the copy of the recording is not entirely clear, but this represents the best interpretation possible under the circumstances.