

Exhibit Number: 2

A portion of exhibit two has been scanned with exhibit one per request of Representative Matthews. Exhibit 2 is also a part of exhibit 4.

The original exhibit is on file at the Montana Historical Society and may be viewed there.

February 15th, 2005

To Whom It May Concern:

My name is Bryan Larson, the head baseball coach for the Miles City Mavericks, and am writing in regards to the "Brandon Patch Baseball Player Protection Act"- 588 and HJ19.

On the night of July 25th, 2003, I, as well as many others, was forced to face a situation that no person should ever have to experience. I watched as my pitcher, Brandon Patch, was hit in the side of the head with a ball batted off an aluminum bat. Brandon later died that night in Great Falls Benefis Hospital, due to an injury he suffered to his head, from the impact. The fact that scares me today is that this same occurrence is happening more frequently than ever before. The reason, in my opinion, is aluminum bats have become weapons placed in the hands of unknowing young players.

After many nights of replaying Brandon's death in my head, there is only one conclusion that I can come up with. There was simply not enough time for him to put his glove, hand, or move anything before the ball was to him. He didn't have time to react. The speed at which the ball traveled off of the bat was blinding. I remember watching Brandon wind up, deliver the pitch, and watched the ball to the plate. I saw the batter swing and heard the ball hit the bat and no sooner did the ball put Brandon flat on his back. I watched the ball after it struck Brandon's head travel in the air over the first baseman's head. I did not see the ball off the bat. I don't believe Brandon did either.

We need to introduce wood bats back into ranks of youth baseball. I do understand that a ball can be batted hard off of a wood bat, but not as fast as an aluminum bat. The statistics of wood vs. metal are indisputable. I look at Bob Thurston's study he did a couple of years back on college players that played at major Division I schools using metal bats that went on to play in the Cape Cod League using wood bats. The home runs, batting averages, doubles, triples, and pitchers' e.r.a. all dropped in the wood bat league by a considerable amount. I experienced the difference last year after we went all wood on our team. We had a lot less 15-11 scores and a lot more 4-2 scores throughout our season.

In closing, I would like to speak from experience. Being a college pitcher, I remember a game in which I was pitching and was hit by a batted ball. I remember this vividly because it knocked me out of the game. I threw a pitch and the ball was batted right back at me off an aluminum bat. I didn't have a chance to even flinch. The ball hit me off of the top of the kneecap, and honestly I didn't see it coming. At that time I was upset I gave up a hit, not relieved I had not been killed. I've always thought that pitcher's being hit by balls hit up the middle as something that comes with the territory. I don't think that anymore. I watched a player die playing a game that everyone standing before you today loves. The way Brandon died is something that I relive in my head everyday. He was an 18 year old kid with his whole life ahead of him. I understand that if the ball that hit Brandon was batted off of a wood bat the result probably would have been the same, but he might have had more time to react. Let's give every athlete the chance Brandon didn't get. At the very least, please consider the fact that if this happens with a wood bat, at least we have taken a precaution to try to prevent it. Let's take the

next step in making the game of baseball safer for our kids. Please consider the worth of life and not the worth of money.

Sincerely,

A handwritten signature in cursive script that reads "Bryan Larson". The signature is written in black ink and is positioned below the word "Sincerely,".

Bryan Larson
Head Coach
Miles City Mavericks

Montana State Legislature

Exhibit Number: 2

**The following is an article
photocopied from a magazine;**

The Magazine 7.18

August 30, 2004

Article title: *"A Hard Line*

***Drive"* by Eric Adelson**

**The original exhibit is on file at
the Montana Historical Society
and may be viewed there.**

Montana Historical Society Archives, 225 N. Roberts, Helena, MT 59620-1201; phone (406) 444-4774. For minutes in paper format, please contact the Montana State Law Library, Justice Building, 215 N. Sanders, Helena, MT 59620; (406) 444-3660. Tapes and exhibits are also available at the Historical Society (tapes are retained for five years). Scanning done by: Susie Hamilton

COLLEGE FOOTBALL '04

MLB: WILD-CARD HOPEFULS GO ALL IN
NFL: UNSUNG NINER GOES FOR BROKE

EST

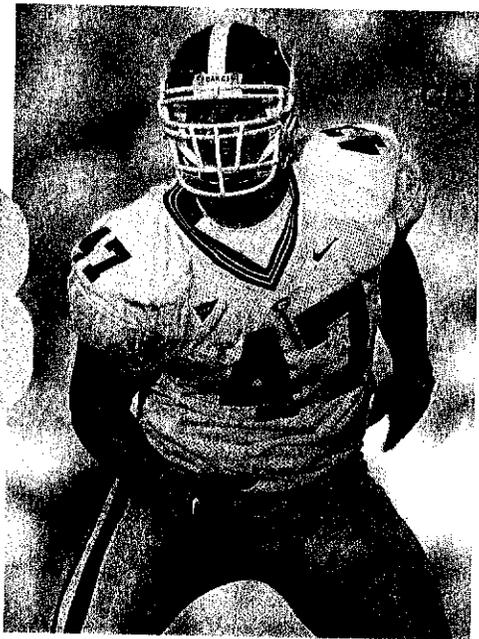
2
2-19-05
4519
+
B588

SHATTER PROOF

THEY'VE SHATTERED THE RECORD BOOK AND NOW THEY'RE TRYING TO SHATTER THE CHAMPIONSHIP

WILEY-INTERSCIENCE
m 7.18
0-19-05
0-19-05
0-19-05
\$5.99 CAN./FOR 0 73361 08969 4

DAVID POLLACK | MATT LEINART
GEORGIA | USC



COLLEGE FOOTBALL 2004

EDGE WISE

What gives our Power 16 teams the edge they need for a BCS bid? Bulldogs DE David Poffack—the nation's best pass-rusher—could tell you, if he'd sit still long enough.
BY GENE WOJCIECHOWSKI



88 REACTION TIME

To see the world the way USC's All-America QB Matt Leinart sees it, you have to go deep between his earholes.
BY BRUCE FELDMAN



98 POWER 16

Corey Webster of No. 4 LSU starts in college football's preseason version of *The Usual Suspects*, a remake of 2003's final poll.



114 IN THE CROSSHAIRS: JAMMAL BROWN

OU's title hopes this season rest on the shoulder pads of a man who just can't forget last season.
BY IVAN MARSEL



116 TOTAL ACCESS: HIGHER ELEVATION

Michigan State coach John L. Smith climbed Africa's tallest peak hoping to raise his game.
BY DAVE BIRKETT

nfl camp report



60 DO YOU KNOW HIM?

Niners safety Tony Parrish is the NFL's BPMPB (Best Player Never to Make the Pro Bowl). But his reign may soon be coming to an end.
BY EDDIE MATZ

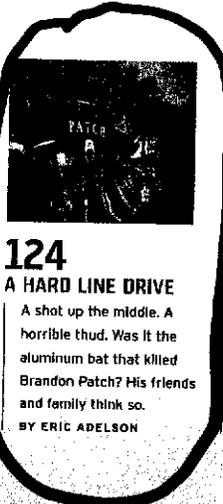
68 SWEATING IT OUT

Saints corner Ashley Ambrose knows all too well that for aging NFL journeymen like himself, time—and younger talent—are gaining fast.
BY TIM STRUBY



72 BABY LOVE

Nuggets forward Nene wants to turn soccer-mad Brazil into a hoops theme park. With his hops and charm, he'll be hard to resist.
BY JERRY BEMBRY



124 A HARD LINE DRIVE

A shot up the middle. A horrible thud. Was it the aluminum bat that killed Brandon Patch? His friends and family think so.
BY ERIC ADELSON



130 DON'T GET UPSET NOW

Like all the top seeds at this year's U.S. Open, Andy Roddick will have his eyes on a title—and a target on his back.
BY JOEL DRUCKER

Everyone who saw it remembers the inning, the score, even the count, because all three shined brightly on the scoreboard for so long afterward. Everyone there remembers how Brandon Patch looked when he pitched, because that's easier to relive than the memory of him lying motionless on the mound. Everyone remembers the sounds: the

Brandon James Patch was a good egg—the life of the party even on a bad day. About the worst thing he ever did was hide Snickers bars from his coaches next to the Bible in the hotel nightstand.

So he galloped straight to the mound there at Kindrick Legion Field. Now, Brandon wasn't much on technique. He was a little husky, with a delivery that was more tumble than stride. But his dad, Spud, wouldn't let him come in for dinner until he got his pitches down, so Brandon was usually pretty effective. This time, he was brilliant. He held Helena to one earned run over the first four innings, greeting just about every putout with a fist pump or a grin. His energy spread to his teammates, who played right up on their toes. And as the sun set over the scorched plateau, the Miles City Mavericks had the Senators stuck in a 3-3 tie. "They're mine tonight!" Brandon had told his dad before taking the mound in the first inning, and so far, he'd been right.

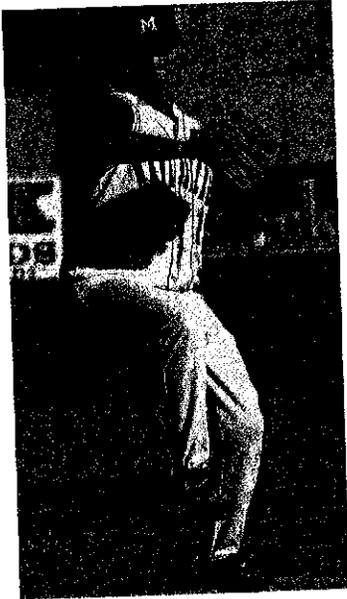
Then came the bottom of the fifth, one out, a

1-1 count on Helena first baseman Quinn LeSage. Debbie and Spud leaned forward in the stands. Brandon's aunt in Helena had e-mailed him newspaper clips about LeSage, a 6'5" masher with D1 potential. Brandon e-mailed back clips about himself, setting the stage for the showdown. Brandon had K'd LeSage the last time they met, back in Miles City, and the Helena manager came over after that game to shake Brandon's hand. That pretty much made the kid's season. Now Brandon wanted to punch out Quinn on his home turf. He reared back and put all he had into a fastball.

LeSage uncoiled, rolling his wrists perfectly. The ball hit the bat's sweet spot and gave against the aluminum so purely that LeSage felt no resistance.

Ping! Thud.

The two sounds hit the ear one right after the other, as if the bat had connected with the ball and Brandon's head in one motion. Debbie saw her son fall backward toward second base like he'd been run over. LeSage finally located the ball 50



Almost everyone who saw Brandon's final pitch blamed his death on the aluminum bat.

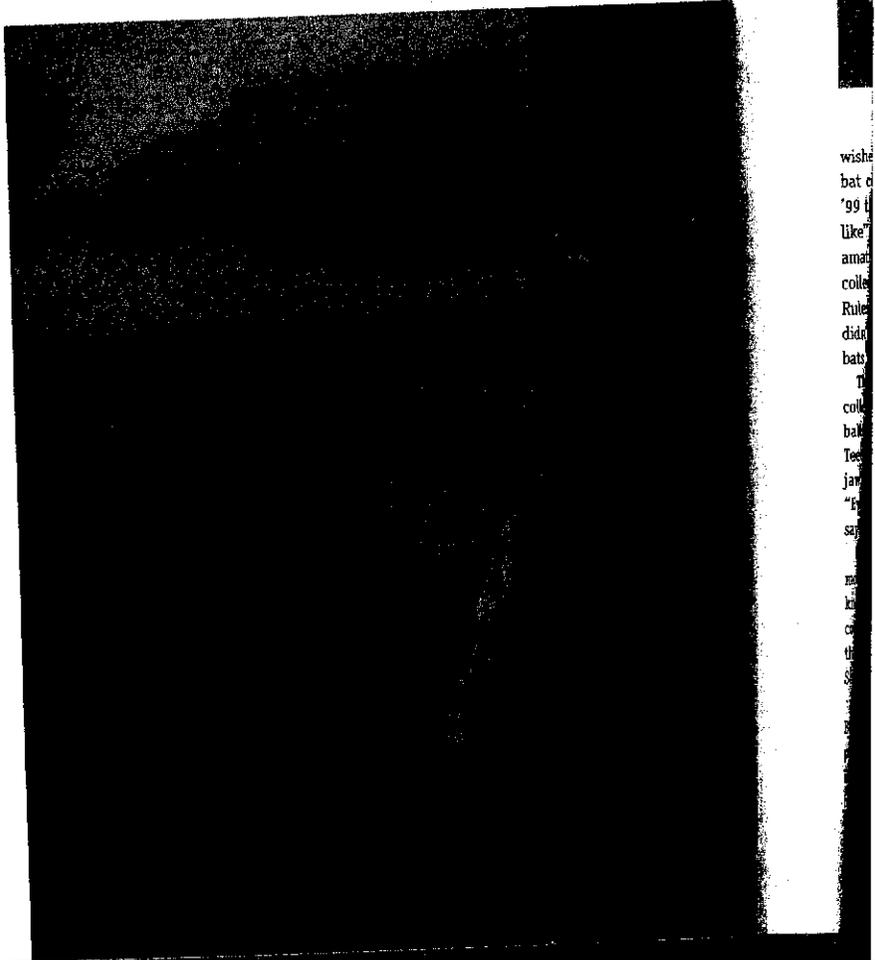
IT SOUNDED AS IF THE BAT HIT THE BALL AND BRANDON'S HEAD IN ONE MOTION.

shrill ping, the sickening thud, the gasps, the silence. Then later, much later, the sirens. And just about everyone who was at the game on that hot Montana night agrees why it happened.

It was the bat. The aluminum bat.

IT WAS Brandon's last start with Miles City, and it was all he could think about the entire week. The boy was 18, so he didn't dwell much on the future. He imagined one day he'd be a California highway patrolman, pulling over 20 cars a day. He would see the Lakers, and fish for marlin in the Pacific, and visit Yankee Stadium, and take a cruise on a ship with a casino. But that was all for later. On that night, July 25, 2003, Brandon just wanted to pitch.

He spoke to his mom, Debbie, from the team bus as it headed to Helena. "We're almost there," he said. "See you at the game." Brandon was excited. His final American Legion start was against Montana's two-time state champs, the Helena Senators. Miles City is an isolated interstate turnoff town of 8,500, and its team didn't have a ton of talent. But its leader had optimism and karma to spare. Brandon Patch was the grandson of "Scrap Iron" Patch, a beloved rodeo clown.



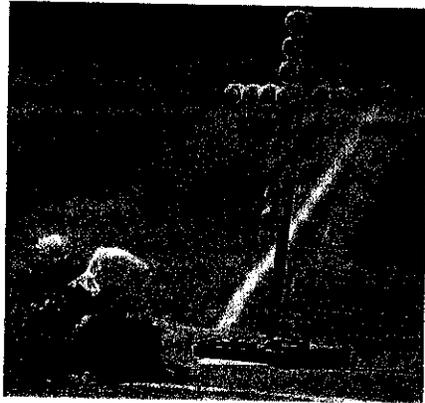
feet in
the lig
ter's b
glove l
before
hard,"

DEBBI
minun
would
lawstui
the NC
speed

wishe
bat c
'99 i
like"
amat
colle
Rule
dida
bats
in
colle
bake
Tee
jav
"p
say

feet in the air, and watched as it lingered against the lights. He had barely stumbled out of the batter's box when it landed in the first baseman's glove for an out. Then he stared out at the mound before turning to the dugout. "I hit that ball so hard," he said out loud. "I hit it so, so hard."

DEBBIE PATCH had never thought twice about aluminum bats. How many 46-year-old Montana moms would know about the years of controversy, the lawsuits, the allegations of danger? She had no idea the NCAA had recommended a maximum batted ball speed in '98, then revised it upward—against the



mound, Brandon joked in a whisper, "Should've kept it down."

Spud and Debbie sprinted to the center of the ballfield. Brandon tried to be brave. "I got a heckuva headache, Dad," he said, and Spud smiled. "I bet you do, son. I bet you do." Spud checked the left side of Brandon's head and saw a red mark about two inches in diameter on his temple. Not bad, he thought. Lucky. Then he saw blood begin to trickle from his son's ear.



Pallbearers brought Brandon to his favorite place: 60'6" from home plate.

Brandon, feeling dizzy, lay back on the mound. Teammates supported his head with a rolled-up towel, then unbuttoned his jersey so he could breathe easier. As the boy looked up at his parents, his vision started to blur. He saw black spots and blinked hard, but the spots just grew bigger and blurrier. Spud and Debbie saw their son's eyes flicker. Then Brandon's eyebrows arched and his cheeks twitched. He turned white and, to those who saw it, his face was a picture of fear. Brandon blacked out, then vomited. More blood,

a lot more, dripped from his ear onto his jersey and into the dirt. His legs began to twitch, then his entire body convulsed. Debbie screamed, "Wake up, Brandon! Wake up!" One coach threw himself on top of Brandon to keep him prone, but the boy's knees fought back, bending to meet his chest in a fetal position. Another coach pried open Brandon's jaw and reached two fingers inside to keep him from swallowing his tongue. Spud wheeled and walked out to the shortstop's position. He crouched like a catcher and pressed the palms of his hands together in prayer.

Kids on both teams took a knee in the outfield and watched blankly. In the stands, a father of one of the Mavericks reached into his shirt to wrap his fingers around a cross. "Take me," he whispered. "Take me." Eventually, players were in the bullpen, hauling batting cages out of the way, and an ambulance moved slowly into the outfield and over the base path. Moments later, the slam of its doors echoed in the silence.

Brandon's blood and vomit were raked into the mound, and the players returned to their positions. The Mavericks numbly lost the game, then spent the night at a nearby hotel. They stared at the ceilings and told Brandon stories. They tried to sleep, tried to convince themselves Brandon was okay. Maybe this was a nightmare, and they'd all wake up to find Snickers in the Bible drawer.

At the hospital, a CT scan showed Brandon's brain pressing hard against his cranium. The boy had to be airlifted to Great Falls, where a neurologist might be able to stop the swelling. Debbie and Spud rushed to the car for what would be the longest 90

wishes of its Baseball Rules Committee—after one bat company sued. No idea the NCAA had ruled in '99 that aluminum bats should be held to a "wood-like" performance standard, which virtually all amateur leagues have adopted. No idea a longtime college coach, Amherst's Bill Thurston, had quit the Rules Committee in protest because he didn't think even toned-down aluminum bats were at all woodlike.

Thurston has a videotape of seven college kids getting hit in the face with balls off aluminum bats. *Ping!* Thud. Teeth flying. *Ping!* Thud. A mangled jaw. *Ping!* Thud. Hospital airlifts. "Everyone knows it's the bat," Thurston says, "but no one wants to admit it."

When her son crumpled to the mound, Debbie Patch had no way of knowing about all the charges and countercharges, the what-ifs and fears that were already part of this game. She would soon find out.

BRANDON PULLED himself into a sitting position. He felt a deep throb and a wave of embarrassment. Quinn had got him good. As his teammates circled the

SPLIT DECISION

While aluminum bats are used in almost every amateur league in the country, a debate rages over the wisdom of that choice. Here's how the issue breaks down.

PRO Aluminum bats save money. Often combined with other metals like zinc, copper and titanium to increase performance, they retail for as much as \$300—but they can last for a full season without noticeable wear. Wood bats can break after only a few hits. So poorer communities can afford to field teams and buy uniforms in part because they do not have to buy bats after every game or series. As for the safety issue, thousands of swings with aluminum bats happen every summer night without injury. The death of Brandon Patch was a horrible event, batmakers say, but it was an extremely rare occurrence, and there is no way of knowing if Brandon would have died if the batter had been using wood. Why change the game—and run it for many poor communities—just because of a few horrible incidents that might have happened anyway?

CON Opponents say aluminum bats are unsafe. Yes, batmakers have toned down their products in recent years, but even a slight increase in ball speed off a bat can rob a pitcher of valuable time he needs to protect himself. Aluminum bats have a larger sweet spot than wood bats. Plus, opponents say, the NCAA has not regulated balance point (or center of mass) strictly enough. If aluminum bats had the same balance point as wood bats, that would put more weight in the barrel and reduce swing speed. Lower swing speed means lower batted-ball speed and more reaction time for pitchers.

-E.A.

quiles of their lives. Spud said almost nothing on the way; he'd hardly opened his mouth since Brandon lost consciousness. But Debbie couldn't keep quiet. "Why?" she wailed. "Why did this happen?"

As Brandon was wheeled into surgery, a nurse prepared a room in the ICU. Hope. Debbie and Spud prayed and paced and held clammy hands, trying not to wonder but wondering still. Then a surgeon appeared through a doorway. He said there was nothing else he could do.

Debbie stared at the doctor with scalding blue

It was the bat. Hal Anderson is sure of it. Anderson coaches an amateur team in Billings, and he saw one of Patch's last games, also against Helena. He remembers LeSage, but he couldn't take his eyes off the pitcher, No. 11. The kid was so animated, so happy to be out there. He cheered his teammates after each putout and calmed them after each hit. "I loved the kid's spirit," says Anderson, who is now a Rockies scout. "He made me enjoy that game."

The coach never met the boy, but when he learned Brandon had died, he collapsed in tears. Anderson's team, which includes his son, Justin, has not used aluminum since. If it costs them every game, so be it. "Sooner or later," Anderson says, "the house of cards will fall. The strength of the kids, the bats ... it's a perfect storm."

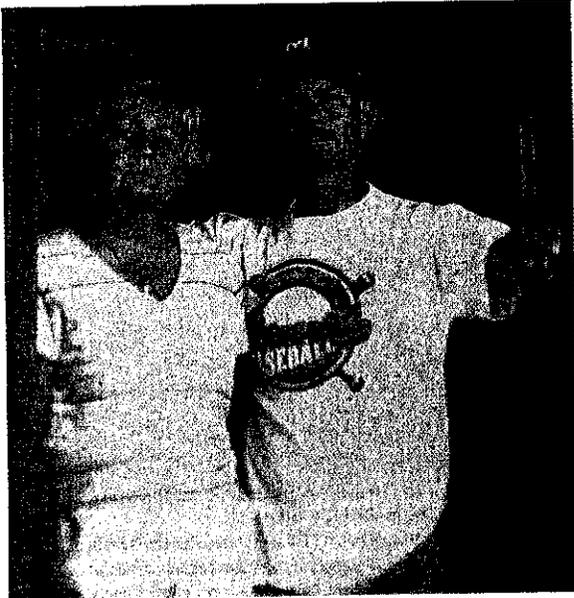
ON A warm June morning, the Mavericks take a two-hour bus ride to Billings to play the Royals. The Mavericks use only wood bats now, and they wear baseball helmets in the field. Many of Brandon's teammates still play. Matt Wilcox is one of them. He wasn't much for baseball until Brandon convinced him to come out. Now he plays for Brandon. But not another teammate, Hayes Venable. Hayes doesn't play football anymore, either. He went out and got a job installing

her case for dropping the bats. When she finally got her chance, Haegele became exasperated quickly. He told Debbie nothing would change in this lifetime. "Maybe you'll be dead by the time it changes," Debbie said. "But I won't."

Debbie helped her brother-in-law, Jack, create a website called forever11.com. It's filled with studies and testimony from opponents of aluminum bats. Other kinds of clips make the website, too, like the op-ed piece from a Montana American Legion coach saying the folks from Miles City are ruining Brandon's memory by guilting local teams into dropping aluminum. Car accidents happen, he said. Should we take cars off the road?

The Patches thought of suing the batmakers, but that's expensive and not likely to be successful. Batmakers say baseball has inherent risk, which it does, that aluminum bats have saved money, which they have, and that all their bats meet NCAA guidelines, which they do. They point to thousands of bats swung every summer without incident. "When there are injuries, people have to be realistic and say it could have happened with wood or aluminum," says Jim Darby, a spokesman for Easton, the nation's leading batmaker. "If a player is hit off aluminum, everyone points to the bat. If he's hit off wood, they say it's part of the game."

Quinn LeSage now pitches in an all-wood collegiate league in Eastern Washington. Would Brandon have died if Quinn had been using wood last year? Debbie Patch will live the rest of her life



**"THERE'S NOTHING I CAN DO," SAID THE SURGEON.
"NO," SAID DEBBIE,
"YOU GO BACK AND FIX HIM."**

eyes. "No," she said. "You go back in there and fix him." At 12:43 a.m., there was nothing left to fix. Brandon was gone.

IT WAS the bat. The thought swept through the funeral. More than 1,400 people showed up for the service at Denton Field, the Mavericks' home park, many scribbling farewell notes in metallic marker on the boy's casket. LeSage was there with his teammates, dressed in uniform. Both squads were introduced over the PA, just like the last time. "And on the hill," the announcer said, "No. 11, Brandon Patch." Brandon's brother, 15-year-old Brady, helped carry the coffin from centerfield, to soft sobs and applause. Then the pallbearers lowered Brandon onto the mound.

sprinklers. He has a faraway look in his eye now, a lost stare. He speaks slowly, quietly: "I still have that picture in my head ..."

Debbie is here today. She and Spud have spent the past year trying to convince anyone who will listen that their son didn't have to die. It hasn't been easy, what with Debbie's job at the tanning salon and Spud's odd hours slicing meat at Albertson's. The Patches don't have an answering machine, so they waited by the phone for weeks after Brandon's death to hear back from the head of the Montana American Legion, George Haegele. Debbie left messages. She called again and again. She wanted just five minutes to make



The ones
Brandon left
behind:
girlfriend Lacey
Raid, parents
Debbie and
Spud.

without knowing for sure, and that keeps her fighting. "Look," she says, "you don't want to lose your child on a baseball field. I still wake up and say I can't believe he's gone. No mother wants to wake up like that."

So Debbie has brought some wood bats with her to Billings today. She carries them to the Royals'

**"I STILL WAKE UP AND SAY
I CAN'T BELIEVE HE'S GONE,"
DEBBIE SAYS. "NO MOTHER WANTS THAT."**

BRANDON'S ROOM is exactly as it was the day he left for Helena. The bed is unmade. A baseball-shaped alarm clock flashes the wrong time. An empty Coke can sits on a bureau, a fruit roll-up on the TV. There is an Extra Innings cartridge in the Nintendo machine, and a *Jock Rock* tape in the boom box. Five baseballs surround one worn mitt. A high school diploma awaits mounting. There is a faint smell of cologne and deodorant. A faint smell of a boy.

It was the bat. Lacey Reid can't help but think so. She still goes to Mavericks games, and when she does, she imagines her boyfriend running out of the dugout, pumping his fist, smiling. She daydreams between innings, about the Fourth of July they watched fireworks from the roof of Denton

Field, about the late-night calls, about Brandon sitting behind the wheel of his '90 T-Bird. She closes her eyes and she sees him still.

Sometimes, when her house is quiet, Lacey picks up the phone to dial Brandon's number. Sometimes she visits his grave. She sits under a leaning elm and smiles at the stuffed football, the golf club, the yellowed valentines, the sweat-stained baseball cap and the Snickers bar on the granite ledge beneath the etched years of her boyfriend's life. Sometimes Lacey talks to Brandon. She tells him what's bugging her and how her day went. Sometimes she brings a blanket and talks until she whispers, and whispers until she falls asleep.

And sometimes Lacey wakes to find Brandon's parents sitting beside her. Spud and Debbie visit their son every day. Dad brings the paper so he can read the scores to him. Debbie wonders how her baby boy could be lying in a box under all that grass and dirt.

Brandon's room is just as it was the day he left for Helena.

out as the players gather for warmups. This is first game she's been to since Brandon's death, later she will break down during the national em. But now she beams with hope when the il's manager agrees to use her bats. It makes lines in the papers. But then Miles City leaves the Royals go back to aluminum, like every r team the Mavericks play all season.

Your car can see the light of day and still be protected from it.

Cleans. Shines. Protects.