

This In-Depth investigation (IDI) was initiated by CPSC based on a news article involving the operation of a Utility Vehicle (UTV). This incident involves the death of a 9-year-old male who was a passenger in the vehicle.

The information for this report was acquired from the Game Warden's report and an interview with the victim's mother and her attorney on 03/16/2009. The victim's attorney provided several reports related to the incident and other cases involving similar vehicles.

Since the incident, the victim's mother has been actively involved raising public awareness of the dangers with the UTV design that was involved in her son's incident. According to the interview with the victim's mother, she has met with CPSC officials and U.S. Senators. During a conversation with the victim's attorney on 03/16/2009, he stated "this vehicle is considered to be murderous," and implied CPSC has been slow to respond with this vehicle's safety issues.

INCIDENT NARRATIVE:

Two victims, occupying a single UTV, were involved in this fatal UTV incident; no other vehicles were involved. A 12-year-old female (DOB 09-23-1994) was operating the UTV and her 9-year-old (09-19-1997) brother was sitting in the passenger seat next to her. Both victims were wearing a 3- point seatbelt. Neither of the two victims was wearing a helmet when the incident occurred. The 9-year-old male passenger died as a result of injuries sustained from the incident. The incident occurred in a rural area on a logging trail.

According to the victim's mother, her daughter and her son were riding their UTV near their farm located in a rural wooded area of Texas. The victims were with their grandfather who was following closely behind them on his motorcycle. According to the victim's mother, her daughter is an experienced driver. Her mother stated during the interview that her daughter has operated dirt bikes, ATV's and tractors at an early age. The UTV involved in this incident belonged to the grandfather of the victims, which was purchased new and had approximately 34 hours of operation on the vehicle's hour meter gauge.

Based on information obtained, this incident occurred on 06/22/2007 at approximately 1930 hours, the two victims were riding on a mostly level firm ground with a slight 4% grade when the driver attempted to negotiate a slight left turn and the vehicle suddenly flipped over onto its right side. The 9-year-old victim who was sitting on the passenger side of the vehicle was pinned under the roll bar, and sustained massive head and neck injuries. According to the victim's mother, the driver of the vehicle sustained minor injuries (bruising) from the incident.

The grandfather of the victim witnessed the incident, assisted and notified Emergency Medical Service (EMS) with his cell phone. He drove the victim to a nearby town where they were met with a Game Warden. The Game Warden took the victim and the victim's grandfather in his vehicle to a field to have the victim airlifted to an area hospital. The Game Warden was later notified that the air transport had been diverted to another call

and an ambulance was dispatched to received the victim. The Warden took the two victims and their grandfather in his vehicle to meet with the ambulance approximately 30 miles away. During the transportation of the victim, the grandfather was performing CPR on the 9-year-old victim. Once they met the ambulance, the victim was transported to a local hospital.

Once the victim was in the Emergency Room, medical personnel attempted life saving measures with limited success. According to the medical documents the victim was in full cardiac arrest. At approximately 2230 hours, the victim was pronounced dead. Contact with the local funeral home, the Justice of the Peace and the victim's attorney indicated that an autopsy was not performed.

According to a preliminary investigative report, the accident scene is described as a mixture of earth and grass. The victim's mother indicated during the interview that the ground was firm and the time of day was still light. The report indicates the UTV's speed at the time of the crash to be between 14 to 19 mph.

The victim's attorney verbally stated on 03/17/2009, that the victim's name may be released to the manufacturer. He indicated that his client has been in contact with the manufacture.

PRODUCT IDENTIFICATION:

The product involved in this investigation is a four-wheel Utility Vehicle. The description of the product was obtained from the letter from the victim's mother addressed to CPSC on 08/21/2008.

Product: **2007 Yamaha Rhino**

Model: **450**

VIN: **5Y4AJ19Y67A009409**

Engine size: **421cc (according to preliminary investigative report)**

Manufacturer: **Yamaha Motor Corporation USA**
 6555 Katella Ave.
 Cypress, CA 90630-5101

714-761-7300

ATTACHMENTS:

- **Exhibit 1- Texas Parks and Wildlife Department- Incident Briefing- 1 page**
- **Exhibit 2- J.T. Crow Memorial Fund- 2 pages**
- **Exhibit 3- Preliminary Investigative Report- e-mailed from attorney- 22 pages**

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- **Exhibit 4- Heidi Crow's August 2008 Submission to the U.S. CPSC – 3 pages**
 - *Entire binder sent to Tonya Topka.*
- **Contact Sheet- 1 page**

J. T. Crow Memorial Fund



Hi! My name is Jeremy Todd Crow Jr., but everyone calls me J. T. or Bubba.

I would have celebrated my 10th birthday in September of 2009. On June 22, 2009 I lost my life when a Yamaha Rhino ATV I was riding in rolled over on me.

My parents, Jeremy and Heidi Crow love me so much! They called me **"The greatest gift in our lives"** when they wrote about me in the newspaper.

They have created the J. T. Crow Memorial Fund for me. We want to educate everyone about the dangers of the Yamaha Rhino.

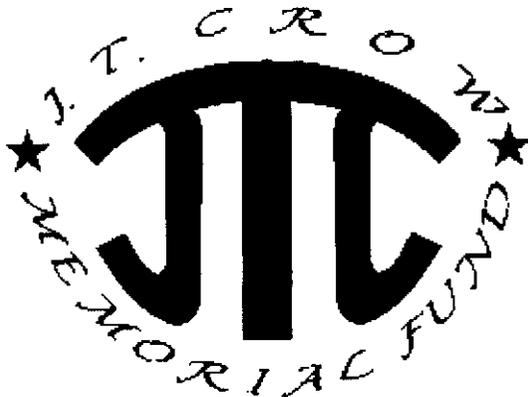
We are also building an outdoor classroom for my elementary school in Winnsboro, Texas. I love science, especially birds and butterflies. The teachers will teach about the things I love best in a beautiful outdoor setting. My sister Madison and my brother Kenny will be helping. If you would like to help, the address to donate to my fund is:

The J. T. Crow Memorial Fund
C/O First National Bank
315 N Main St
Winnsboro, Texas 75494

Heidi's Blog
Coming Soon >

E-Mail Heidi
 outdoor classroom
 pics at my school

Webmaster
 Links to others w /
 Yamaha Rhino Injuries

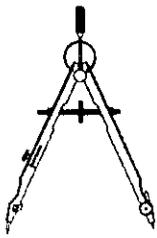


Yamaha Rhino® All-terrain Vehicles

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Yamaha Rhino is a registered trademark of Yamaha Hatsudoki Kabushiki Kaisha Corp. of Japan.



THE
ENGINEERING
INSTITUTE

PRELIMINARY INVESTIGATIVE REPORT

- ON BEHALF OF -

FABRICE VINCENT, ESQ.

LIEFF, CABRASER, HEIMANN & BERNSTEIN, LLP.

EMBARCADERO CENTER WEST

275 BATTERY STREET, 30TH FLOOR

SAN FRANCISCO, CA 94111-339

PHONE: 415-956-1000

FAX: 415-956-1008

CROW

vs.

YAMAHA MOTOR COMPANY, LTD., ET AL.

H. ALEX ROBERTS, P.E.

INVESTIGATIVE SUMMARY

This accident occurred on June 22, 2007 in Newton County, Texas. Jeremy Todd (J.T.) Crow, Jr. was a passenger in a Yamaha Rhino 450 being driven by his sister Madison. At the time of the accident Madison was 12 years old. According to the reconstruction report by Scientific Analysis, Inc., the vehicle was traveling southbound on a forest trail negotiating a left hand turn. During this turn, the vehicle rolled a quarter roll, passenger side leading. The vehicle came to rest on its passenger side. Scientific Analysis estimates the speed to have been between 14 and 19 mph.

QUESTIONS ASKED OF THE ENGINEERING INSTITUTE

1. What is the static stability of the Yamaha Rhino?
2. What does this number tell us about the rollover propensity of the Yamaha Rhino?
3. How does the Yamaha Rhino compare to road-going vehicles and other all-terrain/utility/side by side vehicles?

BACKGROUND INFORMATION

Accident Date: June 22, 2007, Death Certificate states 8:30 p.m.; EMS notified 8:40 p.m.
Location: HWY 87 at CR255 (death certificate), Newton County, TX
Conditions: Dusk; clear; dry, hard-pack forest road
Vehicle 1: 2007 Yamaha Rhino 450
VIN: 5Y4AJ19Y67A009409
Driver: Madison Crow; Age: 12 years (DOB: 9-23-94); about 90 lbs according to deposition of Madison Crow
Passenger: Jeremy Todd Crow, Jr.; Age: 9 years (DOB: 9-19-97); about 60 lbs according to deposition of Madison Crow

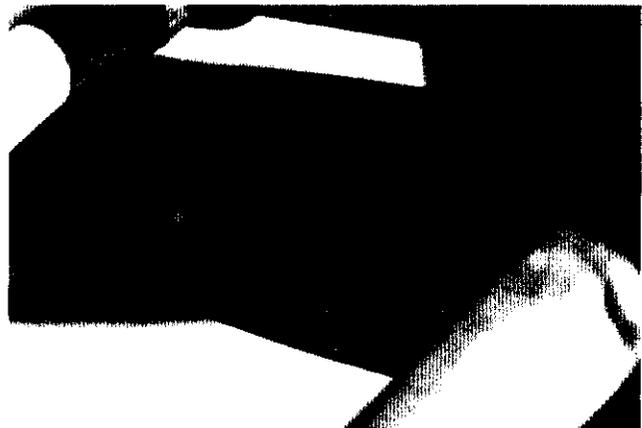
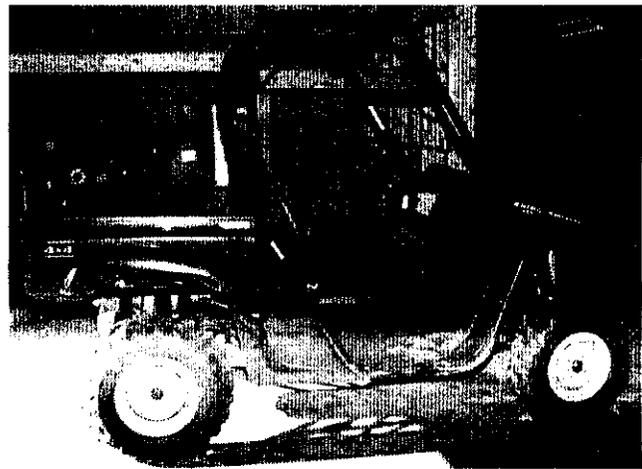
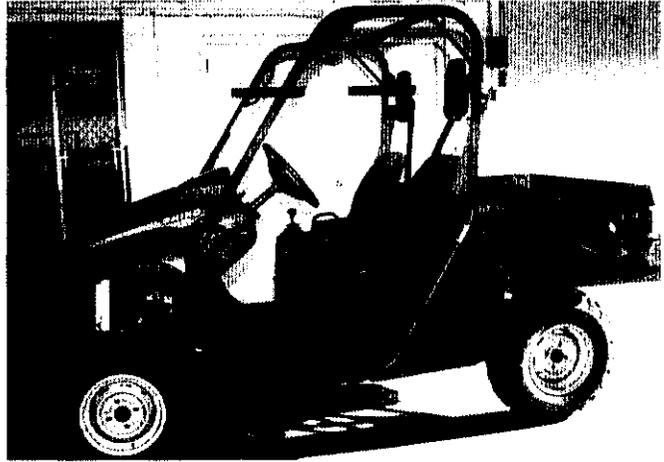
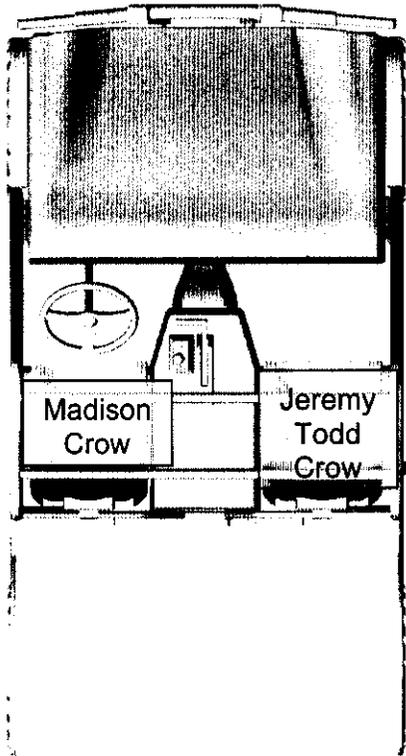


Figure 1:
Seating Chart and Subject Vehicle
Photographs

EXPERT QUALIFICATIONS AND BASIS FOR OPINIONS

H. Alex Roberts received his B.S.M.E. degree from the University of Arkansas in 2001 after completing his requirements for the degree in December of 2000. Mr. Roberts's senior project at the University of Arkansas was designing an off-road vehicle for competition in the Society of Automotive Engineers (SAE) sponsored Mini Baja Midwest Competition. His first two semesters involved in the project were spent with powertrain design and fabrication. His third semester, he concentrated on suspension analysis and design. After graduating, Mr. Roberts continued to assist the team as a volunteer consultant. Mr. Roberts began work at Renfroe Engineering (currently The Engineering Institute) in October of 2000 as a part time employee until he began full time in January of 2001. Mr. Roberts's early work concentrated on small prototype off-road vehicle analysis. Mr. Roberts worked with the design engineer to analyze and tune the vehicle's suspension system. Mr. Roberts also set-up and performed American National Standards Institute (ANSI) standard testing on youth model ATVs. This testing included static and dynamic testing. From these areas, Mr. Roberts moved into accident causation and reconstruction analysis and began work as a case manager. Simultaneously with and then subsequent to this role, Mr. Roberts moved to the testing department where he is currently the lead test engineer responsible for vehicle and component testing. His vehicle dynamics testing experience includes testing vehicles to SAE and ISO recommendations. Mr. Roberts's roles in vehicle dynamics testing consists of test protocol preparation, test and instrumentation set-up, test driver, data analysis, and report preparation. Mr. Roberts's professional and continuing education includes SAE International Conferences, accident reconstruction training and seminars, vehicle rollover seminars, the SAE Off-Highway Conference, the American Society of Mechanical Engineers International Conference, the International Conference on Engineering Failure Analysis, the SAE Applied Vehicle Dynamics professional development program at the BMW Performance Driving School, and the Enhanced Safety of Vehicles Conference. Mr. Roberts completed a Master's level vehicle dynamics class via the University of Illinois-Urbana Champaign's distance learning program. He has authored 11 papers while an employee of Renfroe Engineering/The Engineering Institute. Mr. Roberts was licensed as Arkansas Professional Engineer number 12978 in 2007.

MATERIALS RECEIVED IN THE MATTER OF CROW V. YAMAHA

1. Reports:
 - a. Accident Reconstruction Report of Scientific Analysis, Inc. dated October 29, 2007 and signed by Andy Irwin along with accident diagrams and calculations
2. Photographs:
 - a. Polaroid pictures of subject vehicle with accompanying release authorization
3. Legal Documents:
 - a. Signed retainer agreement letter dated July 11, 2007
 - b. Vehicle release authorization signed by Canter Mattox
 - c. Protective order
 - d. Deposition notice for H. Alex Roberts, P.E.
4. General Discovery Material:
 - a. Depositions
 - i. 3 volume deposition of Canter Mattox
 - ii. Deposition of William Ellis Powell
 - iii. Deposition of Madison Crow
 - iv. Deposition of Heidi Crow

- b. Deposition excerpts and summaries of:
 - i. Suzuki (6/28/07)
 - ii. Watson (12/15/07)
 - iii. Kato (10/25/07)
 - iv. Kato (10/19/06)
 - v. Shearer (5/17/07)
 - vi. Benoit Renaud (6/9/06)
 - vii. Randy Langley (6/9/06)
 - viii. Caleb Chesser (6/8/06)
 - ix. Phillip McRae (6/8/06)
 - x. Patrick Bilosi (3/27/06)
 - xi. Ike Miyachi (9/8/06)
 - xii. Michael Martinez (12/15/05)
 - xiii. Robert Starr (1/5/06)
 - c. Yamaha owner's notice regarding doors and handholds
 - d. News articles relating to J.T. Crow's death
 - e. Plaintiff's original petition
 - f. Ambulance report
 - g. Medical records including death certificate
5. Protected Yamaha Documents:
- a. Rhino 00001-Rhino 02937
 - b. Rhino 02941-Rhino 02950
 - c. Rhino 05001-Rhino 05044
 - d. Rhino 05145-Rhino 20039
 - e. Rhino 20100-Rhino 20102
 - f. Rhino 20104-Rhino 20106
 - g. Rhino 20108-Rhino 20109
 - h. Crow 001-Crow 250

ACCIDENT SITE

Scientific Analysis, Inc. inspected the accident site. In the reconstruction report, the accident site is described as "wooded area, on a single track dirt and grass trail." It was conveyed to me by Mr. Irwin from Scientific Analysis that the width of the trail was approximately 12 to 15 feet in the area of the accident. The approach to the accident site had a downward grade of approximately 4%, but the trail was mostly level in the area of the rollover. The surface was firm at the time of the inspection.

A braking skid test performed at the time of the site inspection showed an average deceleration of 0.53 g's. Mr. Irwin indicated that there was no furrowing during this skid test.

ACCIDENT VEHICLE

YAMAHA RHINO

The subject vehicle was released to Larry Broyles of Broyles Wrecker Service by Canter Mattox on October 6, 2007 for transport to The Engineering Institute. Mr. Broyles arrived at The Engineering Institute later that day and delivered the vehicle.

The Crow subject vehicle was inspected on October 31, 2007 at The Engineering Institute by Alex Roberts and Cord Guthrie. The subject vehicle is a red Yamaha Rhino 450. The vehicle emission control sticker indicates that the engine displacement is actually 421 cubic centimeters. The VIN as found on the left side frame rail near the rear suspension mounts is 5Y4AJ19Y67A009409.

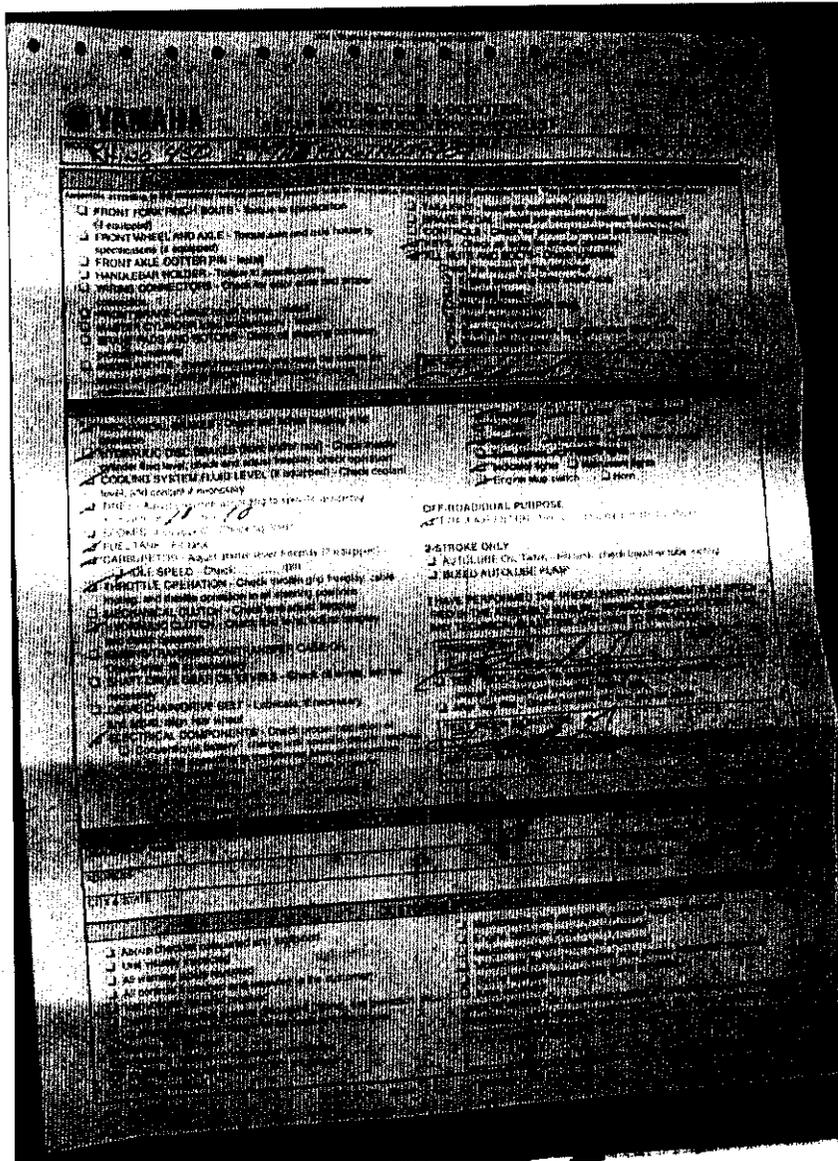
The vehicle has the ability to be operated in 4WD. At the time of the inspection, the 4WD selector button was in the 2WD mode. It also has the differential lock option. The gear selector has low, high, neutral, and reverse selections. At the time of the inspection, the vehicle's hour meter gauge read 33.9 hours.

A warning sticker below the driver's seat indicates the vehicle has a 2000 lb gross vehicle weight rating.

GENERAL OBSERVATIONS: The vehicle exhibits very little overall damage and is operational. The vehicle was driven between The Engineering Institute high-bay and our indoor storage facility next door (about 100 feet apart) a few times and seemed to operate normally. Also, Andy Irwin indicates in his reconstruction report that "operation of the vehicle was completed in all modes of travel." (pg. 5) There are light scratches on the right side of the roll cage consistent with a ¼, passenger side leading rollover accident.

TIRES & WHEELS: The recommended tires for this vehicle are Maxxis 25X8-12NHS type M951Y for the front and Maxxis 25X10-12NHS type M952Y for the rear. The owner's manual and a warning sticker below the driver's seat recommend tire pressures of 10 psi in the front and 14 psi in the rear. However, the Yamaha Motorcycle and Scooter Set-Up and Predelivery Checklist that was with the owner's manual instructs that the person checking the vehicle "adjust pressure according to specific assembly manual." The person who filled out the paperwork indicated that the tire pressure was set to 10 psi front and 10 psi rear. The signature on this sheet appears to be *Frank G.*

- Left Front: This tire is a Maxxis 25X8.00-12NHS. The tire shows little wear. The tire is inflated to 8 psi. The wheel size is 12X6.0AT-TSY. All lug nuts are present.
- Left Rear: This tire is a Maxxis 25X10.00-12NHS. The tire shows little wear. The tire is inflated to 11 psi. The wheel size is 12X7.5AT-TSY. All lug nuts are present.
- Right Rear: This tire is a Maxxis 25X10.00-12NHS. The tire shows little wear. The tire is inflated to 12 psi. The wheel size is 12X7.5AT-TSY. All lug nuts are present.
- Right Front: This tire is a Maxxis 25X8.00-12NHS. The tire shows little wear. The tire is inflated to 8 psi. The wheel size is 12X6.0AT-TSY. All lug nuts are present. There is a small amount of grass or straw between the wheel flange and tire. With the valve stem represent the 12 o'clock position, this debris is at approximately 12 o'clock and 7 to 8 o'clock.



Pressure with tires cold
Set tire pressures to the following values in bars

Recommended pressure	psi	bar
70 kPa	10.1	1.0
80 kPa	11.6	1.16
90 kPa	13.0	1.30
100 kPa	14.5	1.45
110 kPa	15.9	1.59
120 kPa	17.4	1.74
130 kPa	18.8	1.88
140 kPa	20.3	2.03
150 kPa	21.7	2.17
160 kPa	23.1	2.31
170 kPa	24.6	2.46
180 kPa	26.0	2.60
190 kPa	27.5	2.75
200 kPa	28.9	2.89
210 kPa	30.3	3.03
220 kPa	31.8	3.18
230 kPa	33.2	3.32
240 kPa	34.7	3.47
250 kPa	36.1	3.61
260 kPa	37.6	3.76
270 kPa	39.0	3.90
280 kPa	40.5	4.05
290 kPa	41.9	4.19
300 kPa	43.4	4.34
310 kPa	44.8	4.48
320 kPa	46.3	4.63
330 kPa	47.7	4.77
340 kPa	49.2	4.92
350 kPa	50.6	5.06
360 kPa	52.1	5.21
370 kPa	53.5	5.35
380 kPa	55.0	5.50
390 kPa	56.4	5.64
400 kPa	57.9	5.79
410 kPa	59.3	5.93
420 kPa	60.8	6.08
430 kPa	62.2	6.22
440 kPa	63.7	6.37
450 kPa	65.1	6.51
460 kPa	66.6	6.66
470 kPa	68.0	6.80
480 kPa	69.5	6.95
490 kPa	70.9	7.09
500 kPa	72.4	7.24
510 kPa	73.8	7.38
520 kPa	75.3	7.53
530 kPa	76.7	7.67
540 kPa	78.2	7.82
550 kPa	79.6	7.96
560 kPa	81.1	8.11
570 kPa	82.5	8.25
580 kPa	84.0	8.40
590 kPa	85.4	8.54
600 kPa	86.9	8.69
610 kPa	88.3	8.83
620 kPa	89.8	8.98
630 kPa	91.2	9.12
640 kPa	92.7	9.27
650 kPa	94.1	9.41
660 kPa	95.6	9.56
670 kPa	97.0	9.70
680 kPa	98.5	9.85
690 kPa	100.0	10.00
700 kPa	101.5	10.15
710 kPa	103.0	10.30
720 kPa	104.5	10.45
730 kPa	106.0	10.60
740 kPa	107.5	10.75
750 kPa	109.0	10.90
760 kPa	110.5	11.05
770 kPa	112.0	11.20
780 kPa	113.5	11.35
790 kPa	115.0	11.50
800 kPa	116.5	11.65
810 kPa	118.0	11.80
820 kPa	119.5	11.95
830 kPa	121.0	12.10
840 kPa	122.5	12.25
850 kPa	124.0	12.40
860 kPa	125.5	12.55
870 kPa	127.0	12.70
880 kPa	128.5	12.85
890 kPa	130.0	13.00
900 kPa	131.5	13.15
910 kPa	133.0	13.30
920 kPa	134.5	13.45
930 kPa	136.0	13.60
940 kPa	137.5	13.75
950 kPa	139.0	13.90
960 kPa	140.5	14.05
970 kPa	142.0	14.20
980 kPa	143.5	14.35
990 kPa	145.0	14.50
1000 kPa	146.5	14.65

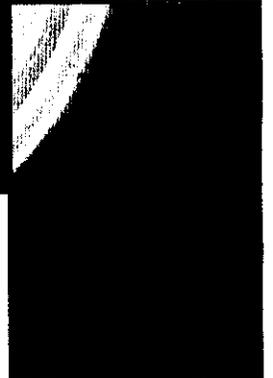
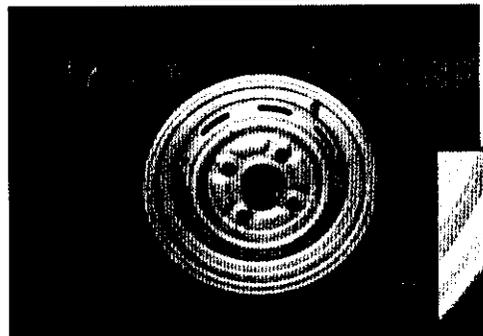
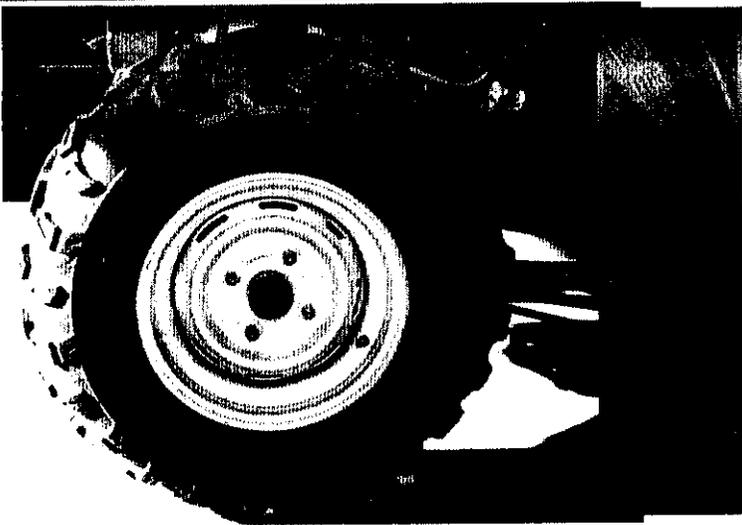
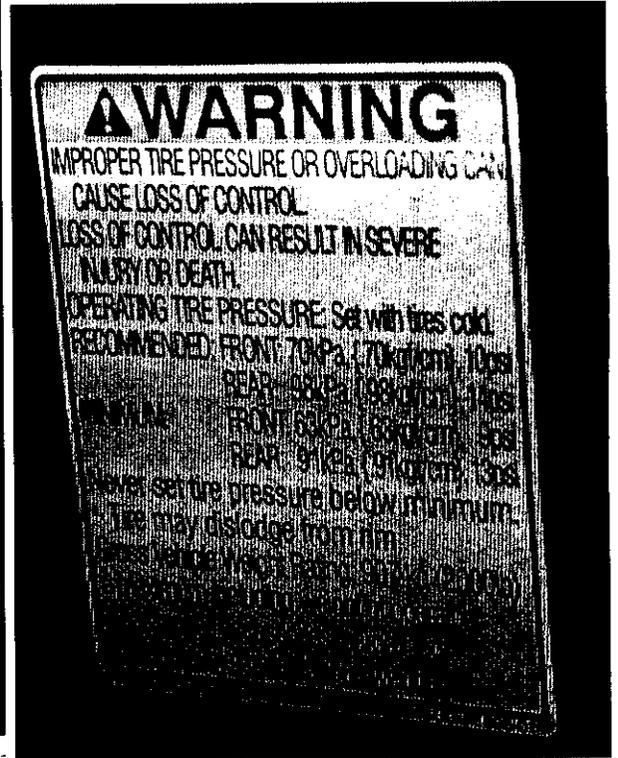


Figure 2: Tire Pressure Recommendations, Left Rear Tire (left) and Left Front Tire (right)

STEERING: The vehicle's steering ratio was measured by placing the front tires on angle plates. These plates measure the angle of the tires. By turning the steering wheel in increments of 90 degrees and measuring the left front and right front tire angle, the steering ratio can be determined. The plates did not return to zero after the first measurements performed the day of the inspection. Therefore, this was repeated on March 10, 2008. Left and right steers were performed three times each on the 10th to check for consistency. The table below and the plots indicate the results of the March 10th testing.

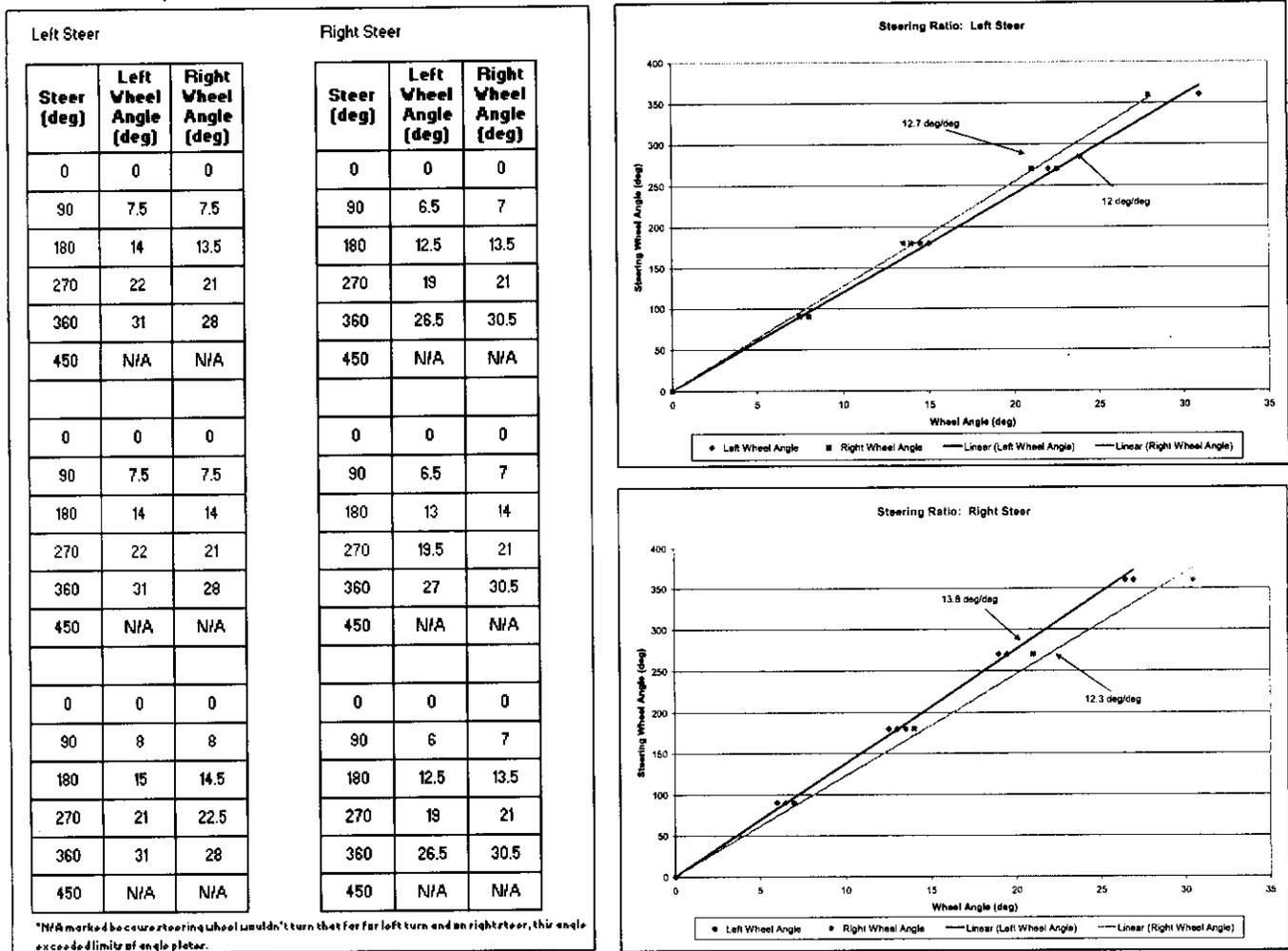


Figure 3: Steering Ratio Data

INTERIOR OBSERVATIONS: The interior of this vehicle consists of two bucket seats separated by a central console. The parking brake and gear selector are located on the central console. The gear selector allows selection between reverse, neutral, high, and low. The occupant capsule is surrounded by an unpadded rollcage which warns that "the enclosure cannot protect occupants in all foreseeable accidents, including rollover."

The controls on the dash include the light controls to the left of the steering column. The lights have off, low and high positions. To the right of the column is the choke located above the ignition switch. To the right of this is the 4WD selector buttons. The exposed red button allows selection between 2WD and 4WD (depressed) modes. Rotating a toggle cover counterclockwise with the 2WD/4WD button depressed exposes an orange button used to lock the rear differential.

Right of the 4WD controls are 6 lights. The lights indicate rather the vehicle has the parking brake engaged, if the vehicle is in reverse or neutral, rather the vehicle is in 4WD and if the differential is locked, and there is a temperature warning light. Next to these lights is an auxiliary 12v outlet.

WARNINGS: The following photographs illustrate the warnings found on this vehicle.

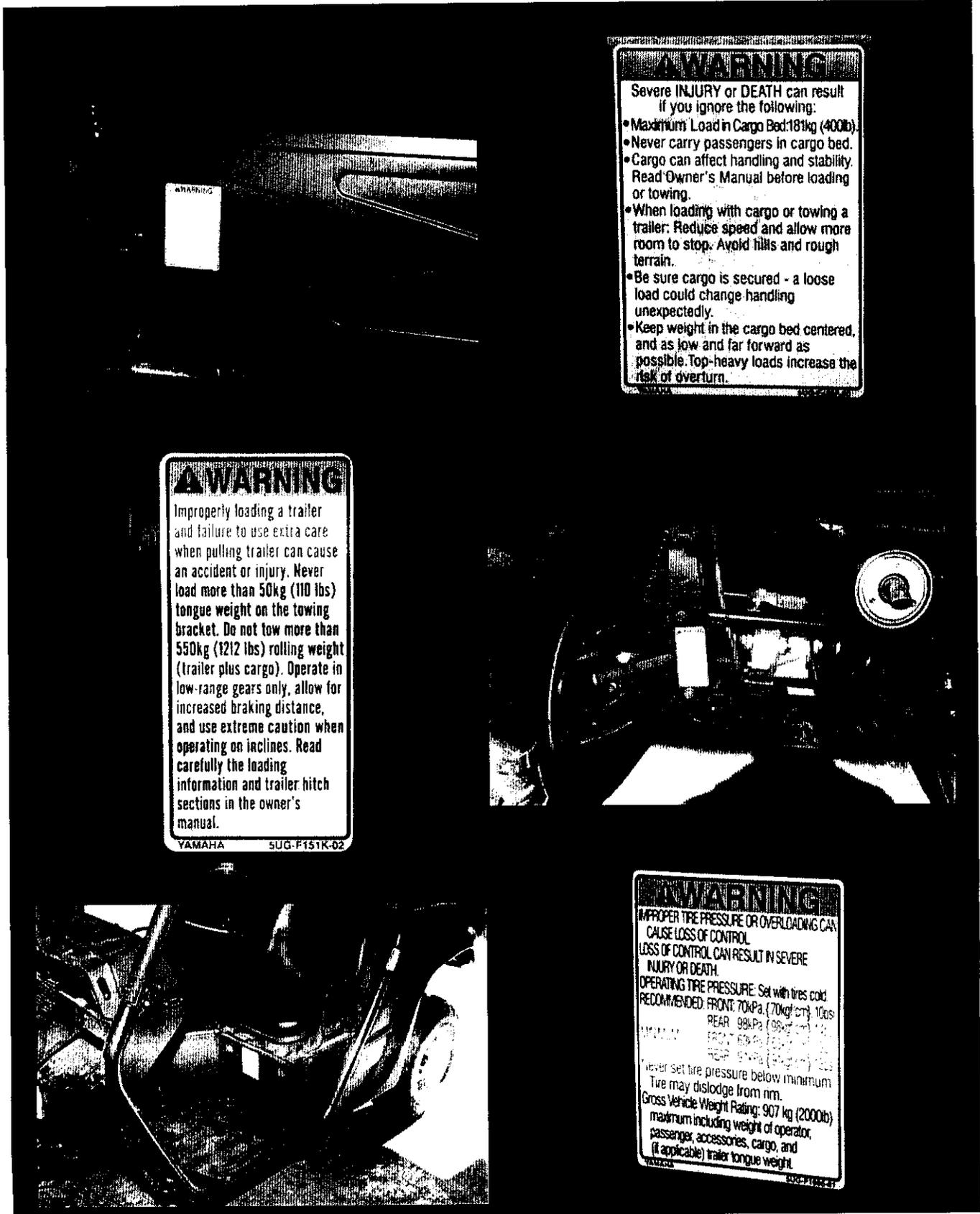


Figure 5: Additional Warnings Stickers

RESTRAINTS: The restraints in this vehicle are three point belts. The buckle is an end-release type mounted to a flexible cable stalk.

SUSPENSION: The front suspension is a double A-arm type suspension consisting of an upper and lower control arm. The shock absorber and coil-over spring is mounted at an angle of approximately 28 degrees off of vertical onto the upper control arm. All components appear to be stock and are in good shape. The two front shock absorbers both bear the code 5UG-F3350-01 and stamped below this is KYB 6K15. The spring pre-load on both shocks is in the 2nd lowest setting (2nd notch from the top).

The rear suspension is again a double A-arm type. The rear shock absorber with coilover spring is mounted to the lower control arm at an angle of about 18 degrees off of vertical. The spring is a progressive rate spring. The pre-load setting is again in the 2nd lowest setting as it was on the front springs. The shock absorber on the driver's side has the code 5UG-F2210-11, below that KYB 6K08. The passenger's shock code is 5UG-F2210-11, KYB 6K15

According to Yamaha product literature for the 2007 Rhino 450, the front and rear suspensions are independent double wishbones with 7.3" of suspension travel and 5-way pre-load adjustment.

BIO-MATTER ANALYSIS: An analysis of the Crow vehicle for evidence of bio-matter and blood was performed on February 4th, 15th, and 18th, 2008. On the 4th, the analysis was simply a quick visual inspection and review of photographs. On the 15th, the vehicle was prepped for a more detailed luminescence inspection. The vehicle was moved into a dark room for this inspection. On the 18th, the luminescence testing was performed and photographed. The testing concentrated on the rollcage near the approximate location of J. T. Crow's head and on the passenger seatbelt.

Overview: In matters of blood detection, a solution of luminol has historically been effective in making latent blood stains visible through the means of luminescence. Due to advances in this technology, a new type of luminol has been developed. This new product, named *Bluestar Forensic* is easier to use and more effective overall. The technical literature explains, "*when put in contact with the hem nucleus of blood hemoglobin, the Bluestar® oxidizes (enzymatic peroxydase activity) and emits an intense blue (430 nanometer) chemiluminescence visible in the semi-darkness.*" There are some substances that can elicit a false positive response. The technical literature states, "*the Bluestar can also produce a chemiluminescence when reacting to some household detergents such as bleach, or copper, but differences in intensity, emission specter, and reaction time allow for visual differentiation.*" In regards to DNA destruction after application of Bluestar, the technical literature states, "*upon extensive testing they demonstrated that DNA typing is still reliably possible 30 days after the repeated treatment of bloodstains with Bluestar®. A research is currently underway to document the possibility to still perform DNA typing 60 days after repeated treatments.*"

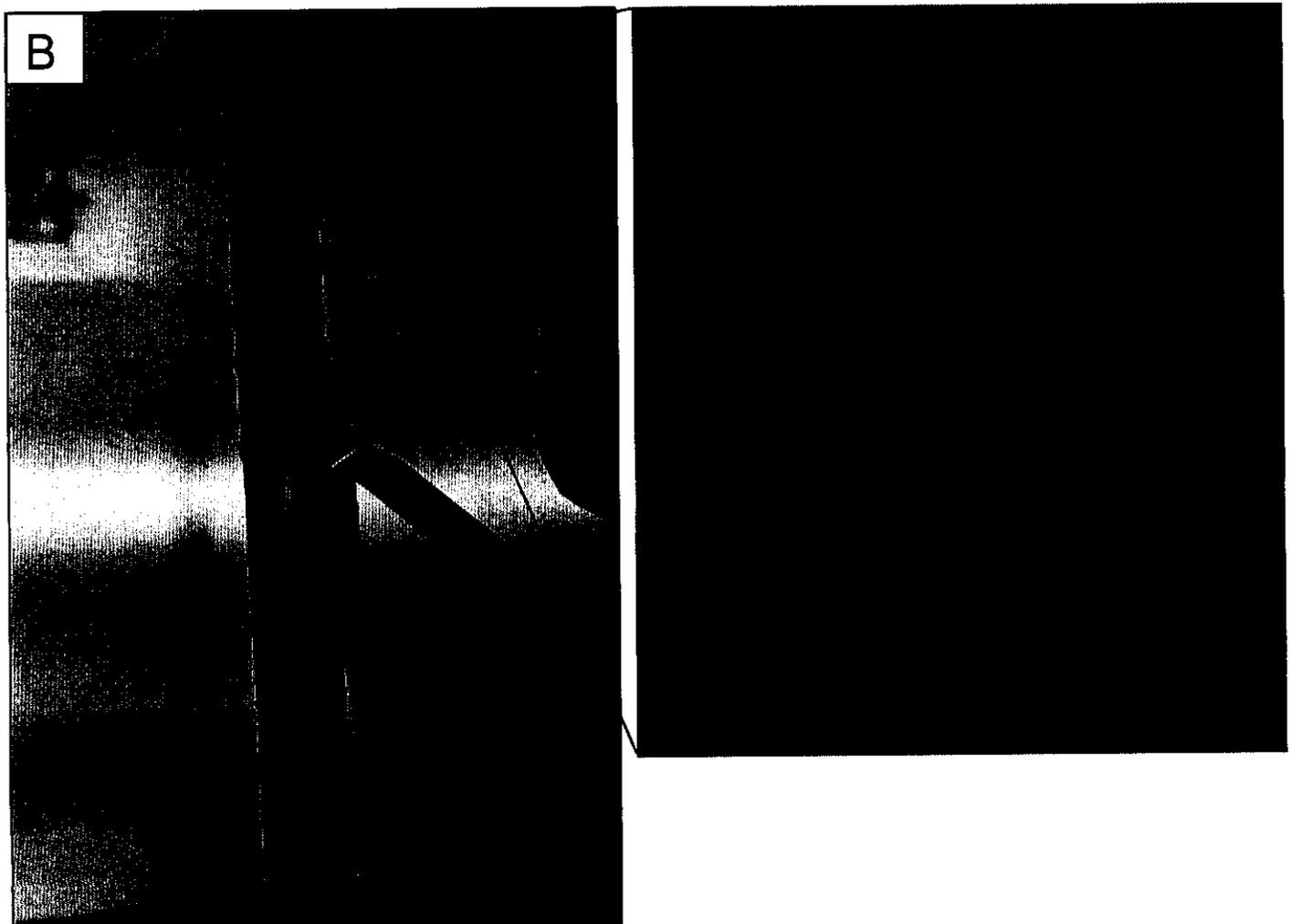
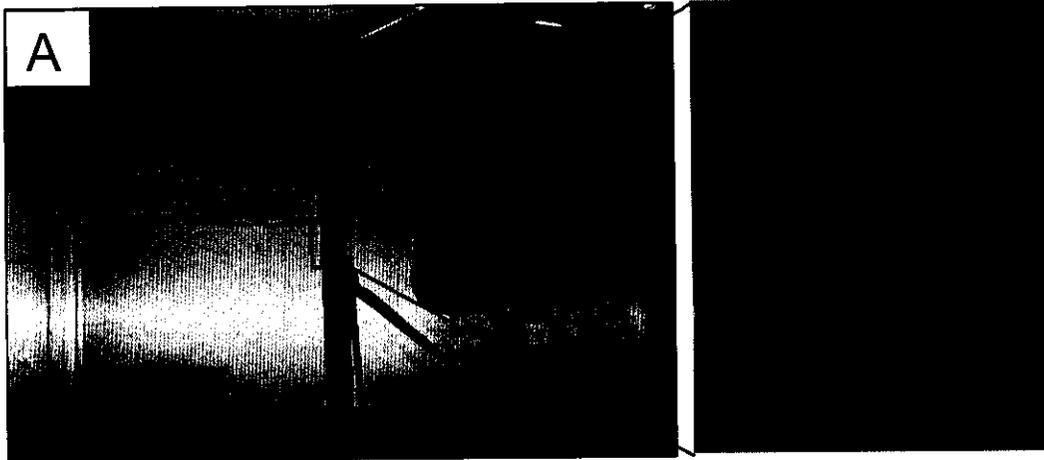
Chemicals: Bluestar Forensic. The solution can be an irritant, but it is non-toxic. The solution is made by mixing two tablets (one white, one beige) in a spray bottle containing approximately 125 ml of distilled water. Once the tablets have dissolved, the solution is ready for dispersion.

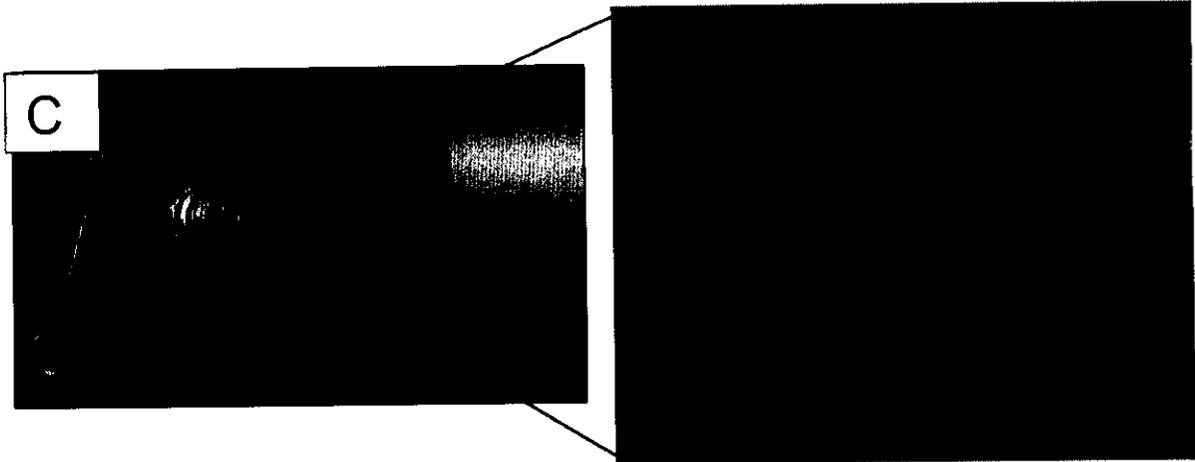
Procedure / Protocol: The subject Rhino vehicle was placed in a dark room. A Nikon D200 digital camera was set up on a tripod approximately 5 feet from the vehicle. A photograph of the vehicle was taken with the lights on for reference. The lights were doused, and the suspect areas of the subject vehicle were sprayed with a prepared solution of Blustar Forensic. An extended exposure photograph was taken while the suspect areas glowed.

Findings: The luminescence appeared to reveal blood on the passenger side roll bar in the area where the cross-member joins the outer hoop and in the area of the D-ring anchorage as seen in Figure 6. Also, luminescence testing revealed blood on the seatbelt at 18.5", 36", and 39.5" from the belt anchor bolt.

Figure 6:

- A** – The dark photograph shows a blue luminescence at position (953,705). This photo was cropped and enlarged to show the detail of that location in relation to the reference photograph.
- B** – The dark photograph shows a blue luminescence at positions (715,389) and (779,328). This photo was also cropped and enlarged to show the detail of that location in relation to the reference photograph.
- C** – (following page) The dark photograph shows a blue luminescence at positions (555,608), (643,566) and (619,466). This photo was also cropped and enlarged to show the detail of that location in relation to the reference photograph.





ACCIDENT RECONSTRUCTION

The accident sequence was reconstructed by Andy Irwin of Scientific Analysis. An illustrated overview is shown below.

ACCIDENT SEQUENCE OVERVIEW: The reconstruction by Scientific Analysis is largely based on the scene inspection and an interview with Canter Mattox. Mr. Mattox was following the Rhino when the accident occurred. Mr. Mattox indicated in an interview with Mr. Irwin that he was traveling approximately 10 mph behind the Rhino; however, in his deposition, Mr. Mattox states that they were traveling "not more than 16 miles an hour."

Mr. Irwin established a "range of turn paths" based on information from Mr. Mattox. These paths consisted of turns of radii equaling approximately 22 feet, approximately 24 feet, and approximately 38 feet. Mr. Irwin calculated entry speeds of between 14 and 19 mph based upon these radii and the average deceleration developed during his brake skid testing (about 0.53 g's). According to the reconstruction report, there was minimal sliding after the rollover.

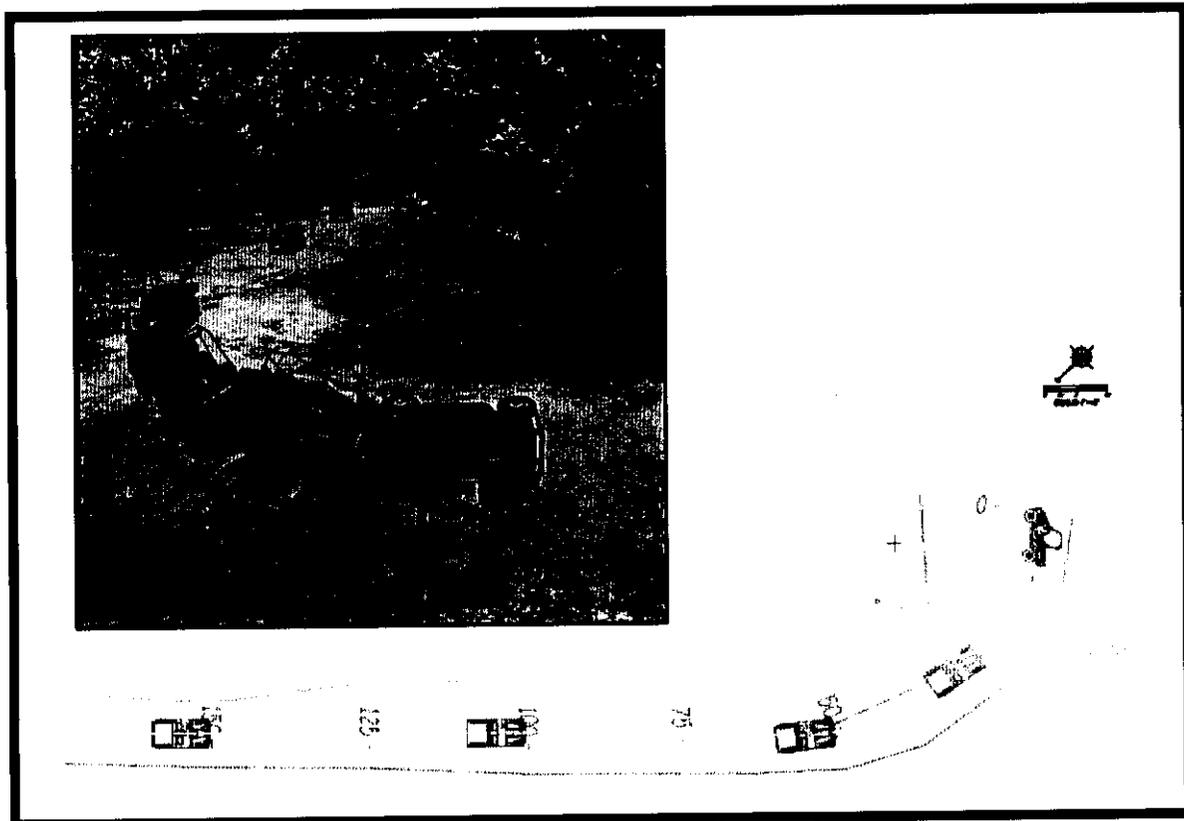


Figure 7: Reconstruction Diagram and Image

STATIC STABILITY ANALYSIS

STATIC STABILITY OVERVIEW

According to the National Highway Traffic Safety Administration (NHTSA), "One of the primary means of assessing rollover risk is the static stability factor (SSF), a measurement of a vehicle's resistance to rollover." [4] The SSF is expressed in units of G's. The plot below was created using the SSF numbers listed by NHTSA in this report.

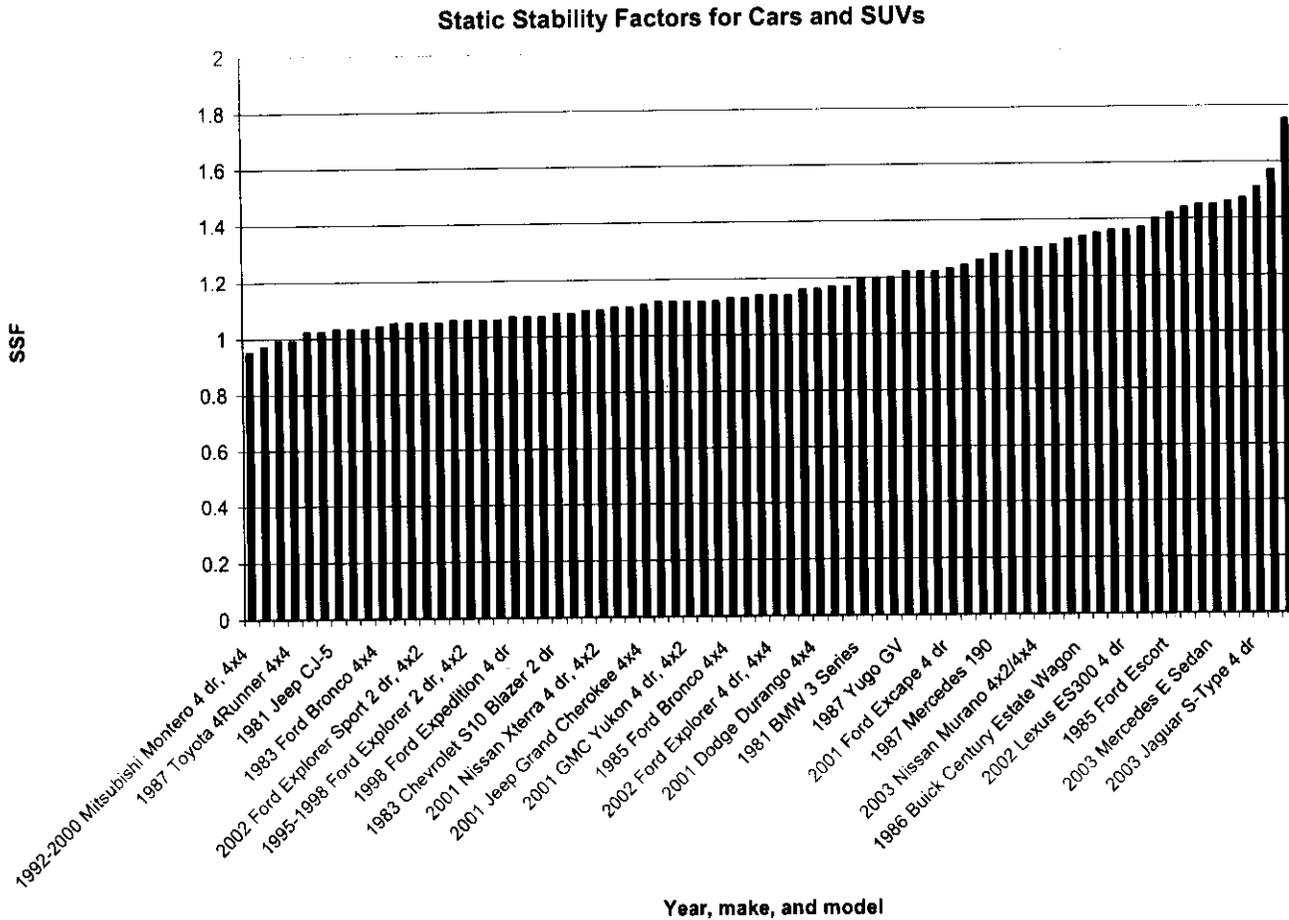


Figure 8: SSF for Various Cars and SUVs

Dr. Thomas Gillespie in his text *Fundamentals of Vehicle Dynamics* refers to the static stability factor as the "rollover threshold." Dr. Gillespie states that the static stability factor is a first-order estimate of a vehicle's resistance to rollover. Dr. Gillespie cautions that the SSF is "very conservative" and is more useful for comparing one vehicle to another, rather than predicting the rollover threshold of a vehicle. By conservative, he is asserting that the predicted lateral acceleration level is actually higher than the rollover threshold. [2]

Dr. Leon S. Robertson in his 1989 publication in the *Journal of Trauma* entitled *Static Stability as a Predictor of Overtum in Fatal Vehicle Crashes* [3] states that "vehicles with the lowest stability values...particularly stood out as having disproportionately high rollover involvement histories." The lowest value reported in his report was 1.01 for the Jeep CJ-5. Dr. Robertson concludes that rollover could be reduced substantially if vehicles were manufactured with a SSF of 1.2 or greater.

Vehicles with a high static stability factor have a lower rollover risk than vehicles with a low static stability factor. A high static stability factor indicates a vehicle with a low center of gravity and a wide stance. Vehicles with a high center of gravity are commonly referred to as "top-heavy."

The static stability factor is a fairly simple means of determining a vehicle's resistance to rollover, which is one reason it is so attractive for vehicle comparisons. The static stability factor is calculated by measuring the track width of a vehicle and its center of gravity height. Treating the vehicle as a rigid body, and performing a force/moment balance, the SSF can be derived. The resulting equation in its commonly seen form is $SSF = t/(2*H)$, where t is the track width and h is the center of gravity height.

The track width is simple to measure. The track width of a vehicle is simply the distance between the center of the left tire and the center of the right tire. The average track width is the average of the front track width and the rear track width.

Measuring the vehicle's center of gravity height is a little more complicated. One method is to rotate the vehicle on a tilt table about its longitudinal axis until the trailing tires lift from the platform. The angle at which the tires lift is used to calculate the center of gravity height. A tilt-table was also used by General Motors to determine center of gravity height measurements [5].

STATIC STABILITY TESTING BY THE ENGINEERING INSTITUTE

In order to calculate the static stability factor for various vehicles and configurations, it is necessary, as mentioned earlier to first measure the track width and center of gravity height.

The following protocol was adhered to during the testing of the vehicle's center of gravity height measurements conducted at The Engineering Institute.

1. Document the vehicle "as received."
2. Determine loading configurations to be tested.
3. Place dummies and cargo (if applicable) in the vehicle to simulate the loading configurations.
4. Measure shock/spring or strut/spring length at ride height for each of the loading configurations.
5. Measure the track width for each loading configuration.
6. Document these numbers.
7. Fabricate adjustable suspension rods to fix the ride height at the measured values.
8. Load the vehicle to the desired loading configuration and set the suspension rod to the corresponding length.
9. Photograph the configuration.
10. Place the vehicle on the tilt table with the leading tires on the high friction surface and their edges against the wooden 11/16" high curb.
11. Document the test set-up.
12. Tether the trailing edge of the vehicle to the table so that the trailing tires can lift from the platform, but do not allow the vehicle to tip all the way over.
13. Set up video equipment to record the testing.
14. Raise one side of the platform using the engine hoist until the trailing tires lift from the platform.
15. Document the angle at which this lift occurred.
16. Perform at least two tests passenger side leading and two tests driver's side leading.
17. If data is not consistent, perform additional tests.
18. Repeat steps 8 through 17 for each loading configuration.

STATIC STABILITY OF THE SUBJECT (CROW) YAMAHA RHINO

The subject Yamaha Rhino was tested in four loading configurations. No fluids were added or removed from the vehicle prior to testing. The gas level, oil level, et cetera were in the "as received" states. The four loading configurations tested were vehicle only, vehicle plus 160 lb. driver, vehicle plus 160 lb. driver and passenger, vehicle plus 160 lb. driver and passenger and sand bags placed in the bed until the vehicle was loaded to near GVWR. All tires were set to 10 psi for all loading configurations per the recommendations of the Yamaha Set-Up and Predelivery Checklist.

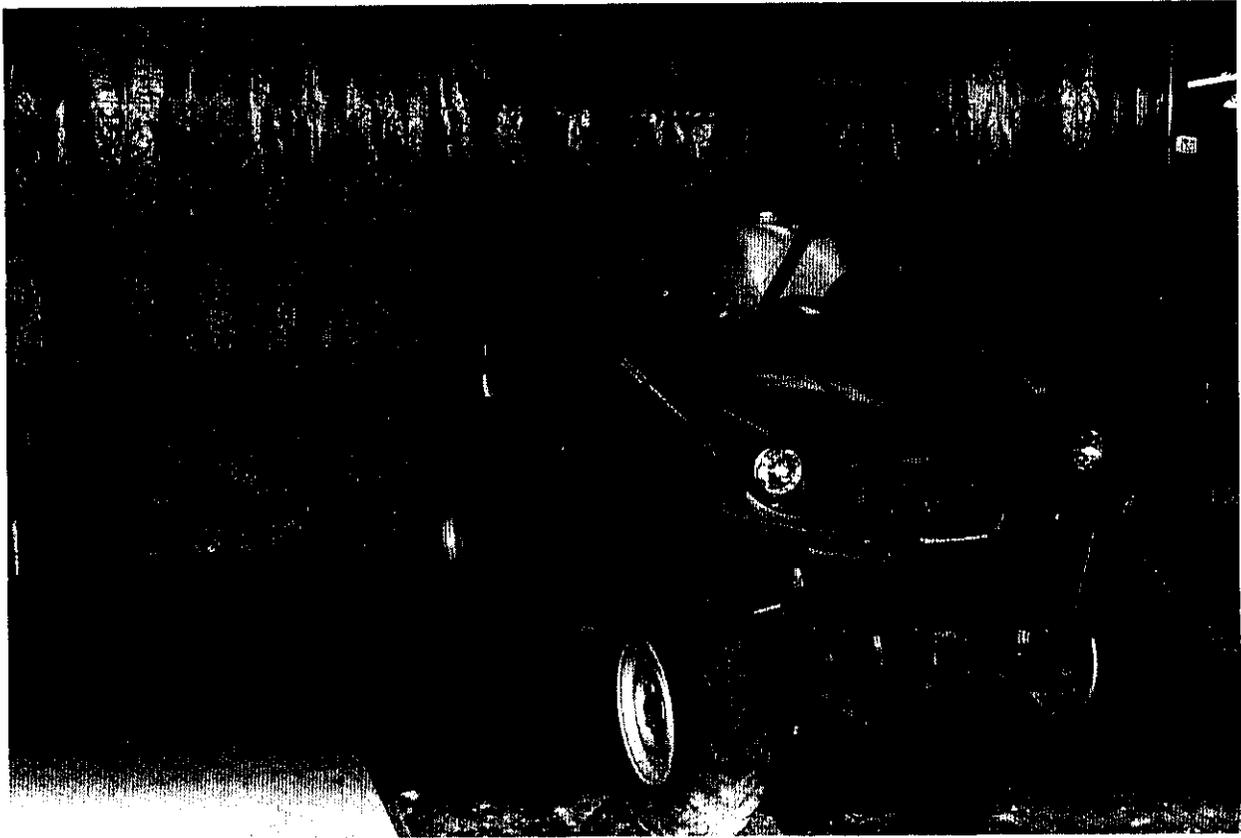


Figure 9: Photograph of Rhino Test Set-Up

For the vehicle only configuration, the weight of the vehicle was 1107 lbs. The slight lateral offset of the weight distribution was accounted for in the calculations of the center of gravity height by adjusting the $\frac{1}{2}$ portions of the formula accordingly.

The front track width was 43.5 inches and the rear was 42.5 inches resulting in an average track of 43 inches.

For this configuration, the average center of gravity height was found to be about 24.5 inches.

For the vehicle plus driver, the overall weight was 1269 lbs. The average track was approximately 43 $\frac{1}{16}$ ". The average center of gravity height for this set-up was determined to be 27.3 inches.

With the addition of a second 160 lb. passenger, the weight increased to about 1430 lbs. The track increased to 43.5 inches, and the center of gravity height raised to about 28.3 inches.

At GVWR, the vehicle weight was 1995 lbs. The average track was 44.375. The center of gravity height was 31.1 inches.

Table 1 shows the results from the subject Rhino testing.

Configuration	Average CG Height (in.)	Average SSF
Vehicle Only	24.5	0.88
Vehicle Plus 160 lb Driver	27.3	0.79
Vehicle Plus 160 lb Driver and Passenger	28.3	0.77
GVWR	31.1	0.71

Table 1: Subject Rhino SSF Test Results

STATIC STABILITY OF A POLARIS RANGER

A 2007 Polaris Ranger 700 4x4 was statically tested for comparison purposes. This vehicle appeared to be stock with the exception of a possible dealer installed Warn winch and some fog lights on top of the roll bar. The tires on the vehicle were the recommended size and were inflated to 10 psi as suggested.

The front suspension on the Ranger is a strut with coilover spring and a single lower control arm. As received, the vehicle weighed 1348 lbs.

The wheelbase of the Ranger is right on par with the Rhino. The front track width is 51.25 inches and the rear is 48.5".

The Ranger is fitted with a bench seat instead of the bucket seats found of the Rhino.



Figure 10: Photograph of Polaris Ranger

The Ranger was tested empty, vehicle plus 160 lb driver, and vehicle plus 160 lb driver and passenger. Due to time constraints with the borrowed Ranger, the vehicle was not tested at GVWR.

Empty, the center of gravity height measured 26.1 inches. With driver, it raised to 28.6. With driver plus passenger, it was 30.7 inches above the ground.

Configuration	Average CG Height (in)	Average SSF
Vehicle Only	26.1	0.96
Vehicle Plus 160 lb Driver	28.6	0.87
Vehicle Plus 160 lb Driver and Passenger	30.7	0.81

Table 2: Exemplar Range SSF Test Results

STATIC STABILITY OF A KUBOTA RTV900 DIESEL 4X4

A Kubota (year model unknown) RTV900R-A side by side was also tested. Though this vehicle had obvious signs of farm usage, the vehicle appeared to be in factory condition with the possible exception of a gun rack installed on the steel mesh attached to the roll bars behind the bench seat.

The Product ID # for this vehicle was KRTV900A51035956.

The tires on the vehicle were the size and type recommended on a placard on the front of the bed for ATV applications. The tires were all 440 Mags. The size of the front tires was 25X10-12 and the rears were 25X11-12. The placard recommended that the tires be inflated to 20 psi front and rear. This recommendation was followed.

The weight of the vehicle as received was 1909 lbs.

The front suspension was a Macpherson strut with a single lower control arm. The spring was a coilover, linear rate.

The rear suspension is a floating axle suspended by leaf springs.

The vehicle is equipped with power steering.

The wheelbase is slightly longer than the Ranger and Rhino at 78 inches. The front track was 44.5" and the rear 46.125".

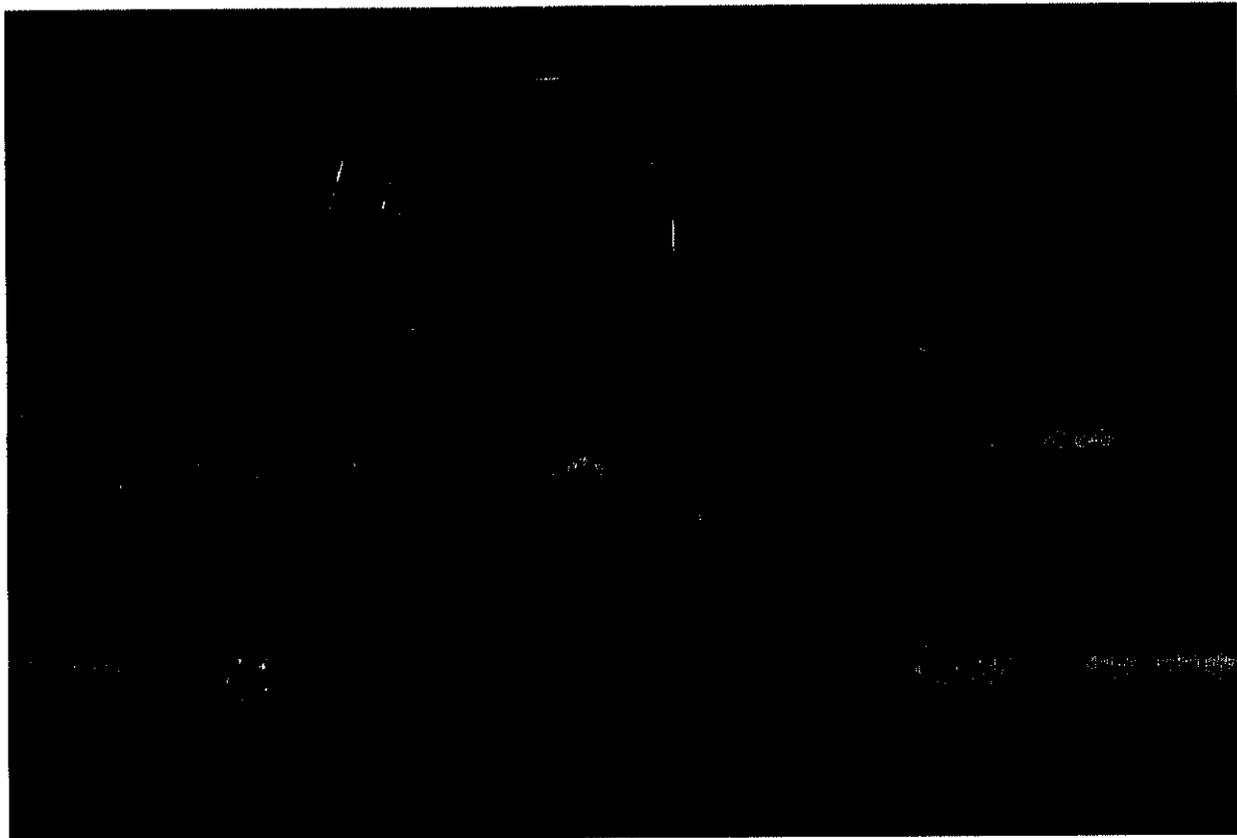


Figure 11: Photograph of Kubota RTV900.

The Kubota was tested empty, with a 160 lb driver, and with a 160 lb driver and passenger. The corresponding CG heights for these tests were 23.75", 26.2", and 27.6". Table 3 summarizes the results.

Configuration	Average CG Height (in)	Average SSF
Vehicle Only	23.75	0.95
Vehicle Plus 160 lb Driver	26.2	0.86
Vehicle Plus 160 lb Driver and Passenger	27.6	0.82

Table 3: Summary of Kubota Results

COMPARISON OF RHINO, RANGER, AND RTV900

The fact that the Ranger’s track is wider than the Rhino resulted in the Ranger having a significantly higher SSF unloaded. The higher seating position of the occupants, however, resulted in the vehicles being more comparable with driver plus passenger. The Kubota’s track was not as wide as the Ranger, but its center of gravity was lower. It also had higher SSFs than did the Rhino. Figure 12 shows a direct comparison between the results from the three vehicles.

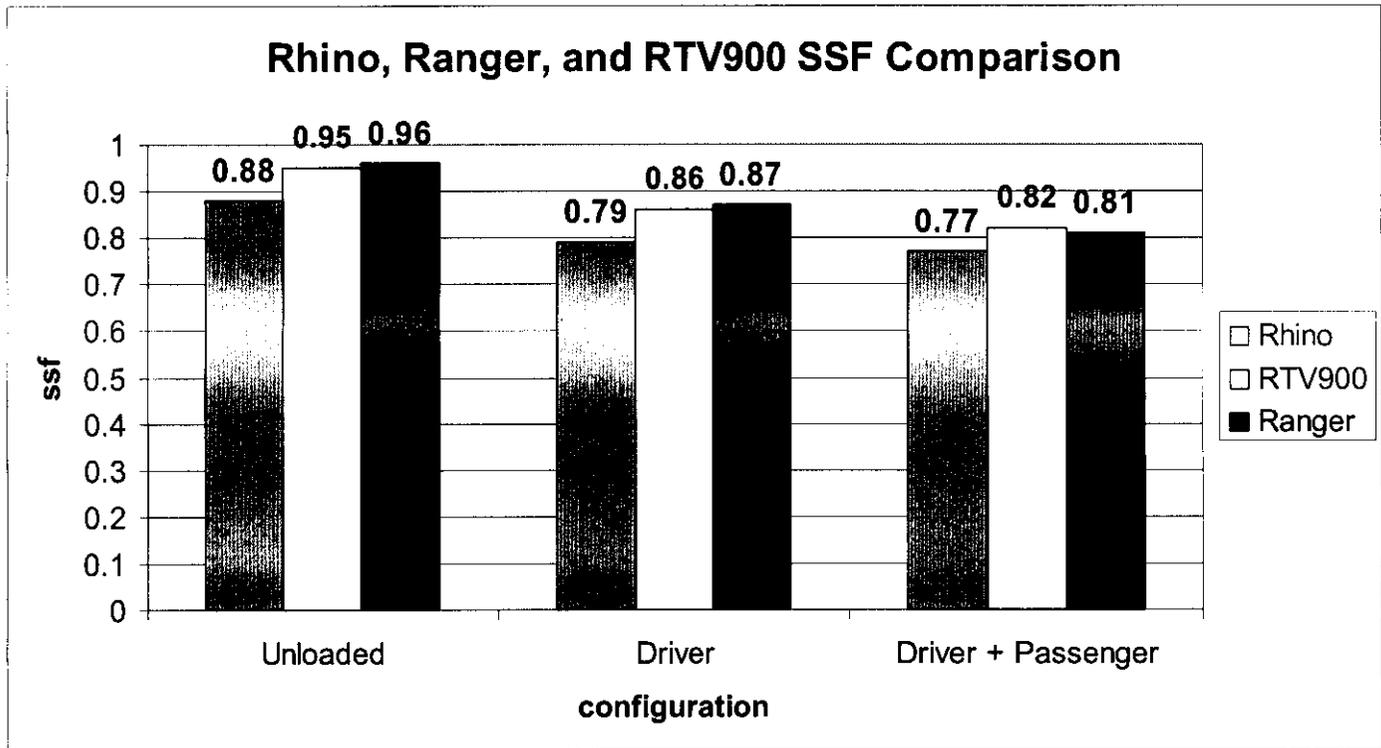


Figure 12: Comparison of Yamaha Rhino, Polaris Ranger, and Kubota RTV900 SSFs for Various Loading Configurations

COMPARISON OF RHINO AND RANGER TO SPORT UTILITY VEHICLES

The numbers reported by NHTSA for the SSFs of the vehicles in their study were established with the vehicles unloaded. Therefore, as a direct comparison, the Ranger, Rhino, and RTV900 SSFs unloaded will be plotted along with several SUVs. The SSF of the Yamaha Rhino is lower than any vehicle reported by NHTSA, while the Ranger has a SSF that is higher than the 1992-2000 Mitsubishi Montero 4X4 while the Kubota’s unloaded value was equal to the Mitsubishi.

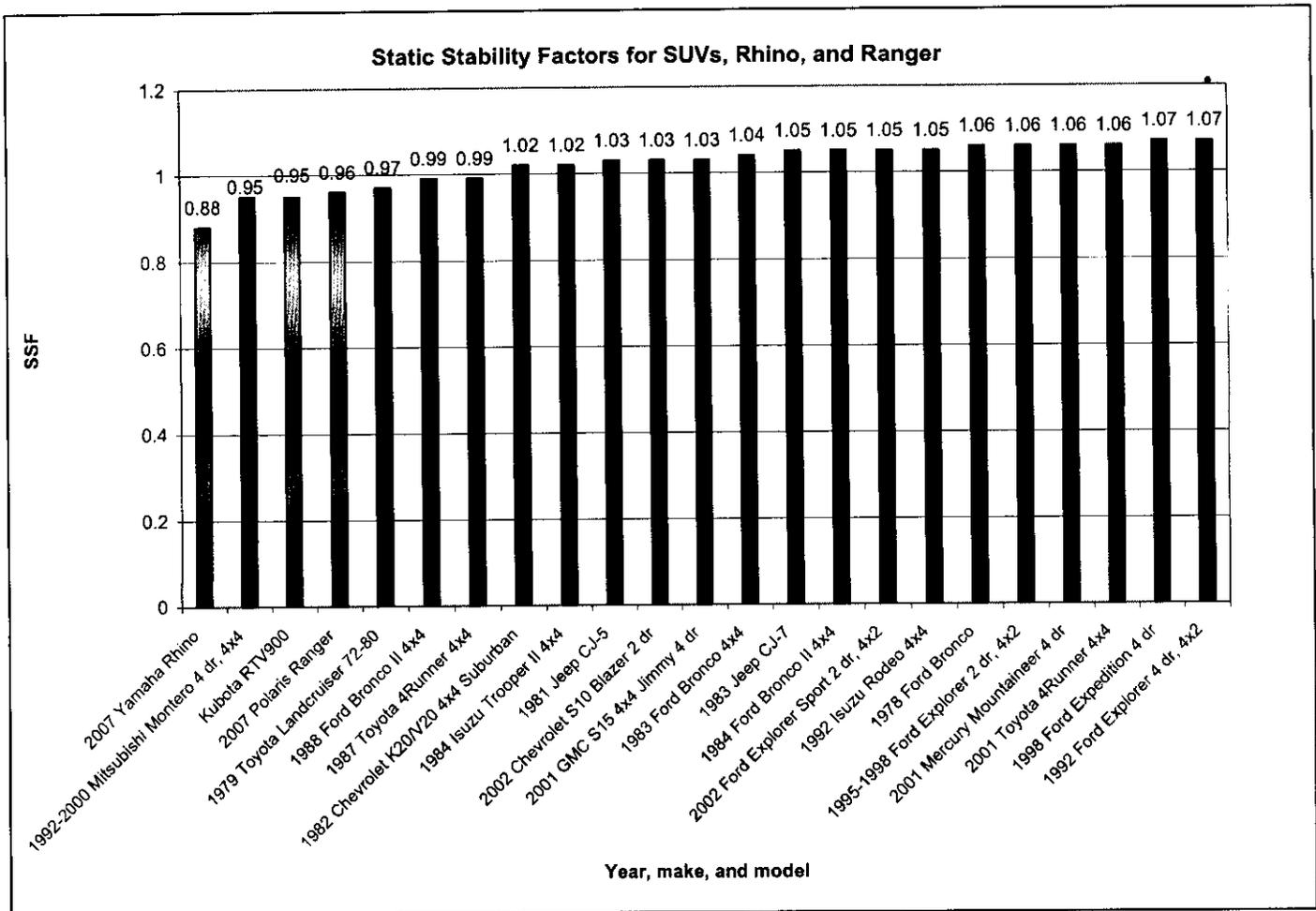


Figure 13: SSF of Rhino, Ranger, and RTV900 Plotted with SSFs of SUVs

MODIFICATIONS TO THE RHINO TO IMPROVE ITS STATIC STABILITY

By increasing the track width and/or lowering the vehicle's center of gravity, the static stability of a vehicle is increased. This could have been done on the Rhino without drastically affecting its functionality and without limiting its usage. Had this vehicle been designed with the same average track width as the Polaris Ranger, approximately 49.875", with the center of gravity unchanged, the static stability would have been greatly increased. This would be an approximately 6.875" increase in the overall track width or about 3.4375" per side.

By increasing the track width to this value and keeping the vertical center of gravity at the same position, the static stability of the unloaded vehicle would increase to 1.02. This theoretical change is plotted in Figure 13 below.

Also, with this increased track, the vehicle's SSF when loaded with two, 160 lb occupants would increase to 0.88 assuming the center of gravity height measured in the tilt table testing with two occupants did not change. This value of 0.88 is the equivalent to the unloaded Yamaha Rhino as designed.

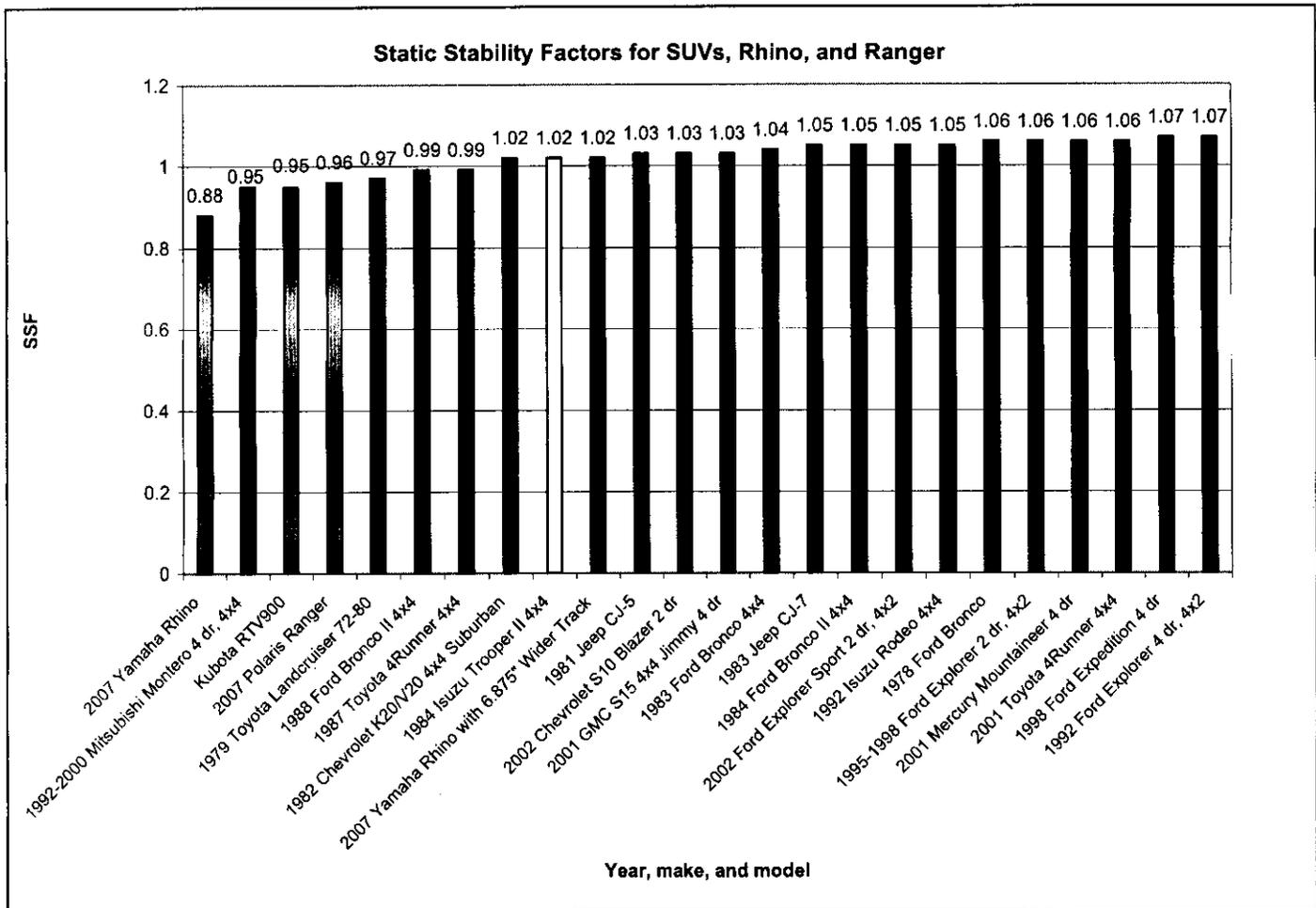


Figure 14: SSFs for SUVs, Rhino, Ranger and Theoretical Modified Rhino

OPINIONS & CONCLUSIONS

The below enumerated opinions are based on our analysis, testing, testing by others, technical literature, and Yamaha documents.

1. This accident was a ¼ roll event which resulted in the death of Jeremy Todd Crow, Jr.
2. A bio-matter analysis of the subject vehicle revealed bio-matter on the passenger side unpadded rollcage and on the passenger side seatbelt.
3. The speed of the Rhino prior to the rollover was between approximately 14 and 19 mph.
4. There is no evidence that the rollover was a furrow trip event.
5. There is no evidence that Madison Crow “engaged in aggressive driving (such as sliding, skidding, fishtailing, or doing donuts) or made abrupt maneuvers (such as turning the steering wheel too far or too fast)...” as suggested on the door and handhold special offer website [6]
6. The static stability factor calculated by t/2h is a good first indicator of a vehicle’s rollover resistance and is useful in comparing one vehicle to another.
7. The static stability factor of the Yamaha Rhino is low due to its center of gravity height in conjunction with its narrow track width.

8. The SSF of the Rhino is lower than any road-going vehicle reported in NHTSA's study regarding trends in SSFs [4].
9. The unloaded SSF of the Rhino is lower than that of its peer vehicles the Polaris Ranger and Kubota RTV900.
10. The static stability of the Rhino could have been improved by widening the track width and/or lowering the center of gravity height.

Our conclusions are based on the information made available to us at the time of our investigation. Should any additional information be uncovered or made available, we retain the right to revise or supplement our report accordingly.

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Heidi Crow's August 2008 Submission to United States Consumer Protection Safety Commission Regarding Proposed Safety Improvements to the Yamaha Rhino

**Safety Changes Are Urgently Needed
For The Yamaha Rhino.**

**Safety Changes Are Necessary To
Avoid Needless New Rhino Tipovers,
Deaths, Amputations, Crushes,
Fractures, Surgeries, and Other
Disabling and Permanent or Fatal
Injuries**

Submission Date: August 21, 2008

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Jasper County Sheriff Office
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409-384-5417

Beaty Funeral Home
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903-342-5211

Justice of the Peace
101 Burch St.
Jasper, Texas
409-384-4534

Jasper Memorial Hospital
1275 Marvin Hancock Dr.
Jasper, Texas
409-384-5461 ext 271

1. Task Number D90204CCC1403		2. Investigator's ID 3385		EPIDEMIOLOGIC INVESTIGATION REPORT	
3. Office Code 810	4. Date of Accident YR MO DAY 2006 11 24	5. Date Initiated YR MO DAY 2009 02 06			
6. Synopsis of Accident or Complaint UPC 086792 A twenty-year old female was injured while riding as a passenger on a four wheel-drive utility vehicle. Her twenty-one year old brother was driving the vehicle on a paved road. He lost control while negotiating a left turn and the vehicle rolled-over several times. The vehicle rolled-over the victim's leg (fractured) which was treated on the following day. The driver was unharmed. They were wearing seat belts but no helmets.					
MFR/PRVLBR NOTIFIED COMMENTS: ___ YES <input checked="" type="checkbox"/> NO ___ OVERRULED; ___ ATTACHED <input checked="" type="checkbox"/> EXCISIONS/FOIA EXS. <i>25; 6</i> <input checked="" type="checkbox"/> DO NOT RE-NOTIFY ___ RE-NOTIFY <i>5/18/09</i>					
7. Location (Home, School, etc) 4 - STREET OR HIGHWAY		8. City OCALA		9. State FL	
10A. First Product 5044 - Utility Vehicles		10B. Trade/Brand Name YAMAHA UTILITY VEHICLE		10C. Model Number RHINO	
10D. Manufacturer Name and Address YAMAHA MOTOR CORPORATION, USA/VIN # UNKNOWN 6555 Katella Avenue Cypress, CA 90630					
11A. Second Product 0		11B. Trade/Brand Name NONE		11C. Model Number NONE	
11D. Manufacturer Name and Address NONE					
12. Age of Victim 20		13. Sex 2 - Female		14. Disposition 1 - Injured, not Hosp.	
15. Injury Diagnosis 57 - Fracture		16. Body Part(s) Involved 36 - LOWER LEG		17. Respondent 1 - Victim/Complainant	
18. Type of Investigation 2 - Telephone		19. Time Spent (Operational / Travel) 5 / 0		20. Attachment(s) 0 - No Attachments	
21. Case Source 07 - Consumer Complaint		22. Sample Collection Number			
23. Permission to Disclose Name (Non NEISS Cases Only) <input type="radio"/> Yes <input checked="" type="radio"/> No <input type="radio"/> Verbal <input type="radio"/> Yes for Manuf. Only					
24. Review Date 03/16/2009		25. Reviewed By 8978		26. Regional Office Director Dennis R. Blasius	
27. Distribution Topka, Tanya				28. Source Document Number I0920046A	

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NOTE: Information concerning this incident was limited. This investigation initiated through a consumer complaint regarding an injury that was sustained from a utility vehicle. The incident occurred while the complainant was vacationing with her family out-of-state in 2006. The complainant provided the incident information. No pertinent vehicle identification was available.

The two victims involved in this incident were a twenty-year old female (5ft tall, 107lbs) and her twenty-one year old brother (weight/height unknown). The product involved in this incident was a gas-powered **Utility Vehicle**. The vehicle was purchased, used by the complainant's uncle in 2006. The unit was used predominately to drive around the uncle's housing development (paved roads).

The four wheel-drive utility vehicle featured two front seats, a mini-cargo bed and a metal roll bar cage. The unit was believed to be powered by a liquid-cooled, single-cylinder four-stroke engine. It was not known whether there were any previous mechanical problems with the unit. It was unknown if there were any after-market modifications conducted on the vehicle.

On Wednesday, November 22, 2006, the complainant and her family were visiting her uncle's family in Ocala, Florida during the Thanksgiving Day weekend. She stated that her uncle allowed them full access to using the vehicle. He spent some time giving them handling instructions and safety precautions. The uncle asked that they limit their riding parameter to within the neighborhood.

On Friday afternoon (11-24-06), the complainant/victim and her older brother decided to "spin around" with the involved utility vehicle. The twenty-one year old brother was driving and it was unknown how familiar he was with driving the vehicle. The complainant stated that her brother drove the vehicle at least a couple of other times since they arrived.

The complainant believed that the utility vehicle was in good condition. The neighborhood roads were flat and slightly winding. The surface (pavement) conditions were dry and the driver's visibility was unobstructed. They were both wearing seatbelts at that time but were not wearing safety helmets. The complainant/victim stated medicines, drugs and alcohol were not associated with this incident.

The siblings were riding the utility vehicle on a residential street that was approximately one mile from the uncle's house. The complainant estimated that her brother was driving 20mph. He made a left-hand turn and lost control of the vehicle. He failed to negotiate the turn and the vehicle overturned (rolled-over to the right) several times.

The complainant/victim stated that she instinctively stuck her arm and leg out to brace the fall and the "Rhino" rolled-over her lower leg. The vehicle came to a stop upside down. The passengers were still strapped to the seats and were hanging upside down. They began to smell gasoline leaking out of the vehicle.

The brother was uninjured and he managed to free himself from the seatbelt. He came around to the passenger's side, unhook his sister's seatbelt and she fell to the ground. The brother dragged her from the vehicle. The complainant/victim stated that her right lower leg was completely numb.

A passer-by stopped to offer assistance at that time. He and the brother pushed the utility vehicle right-side-up. The siblings climbed back on the vehicle and drove back to the uncle's house. The brother did not drive the vehicle again after this incident.

The complainant/victim stated that when they arrived at the house, she had to cut her jeans off because the swelling was so intense in her leg. She discovered that her lower leg was swollen to two-to-three times its normal size. Her leg also had numerous cuts and abrasions. She suffered agonizing pain in her lower leg throughout that night.

On the following day (11-25-06), the victim was driven to the Urgent Care Center located in Summerfield, FL. She was admitted into the ER and a physician examined her leg. X-rays revealed that the Fibula bone in her right leg was fractured. She also suffered extensive crushed muscle tissue and a hernia of the tibialis anterior muscle. She received treatments for her leg and was released from the hospital that evening.

On Sunday, November 26, 2008, the family returned home from their vacation. The twenty-year victim spent the next month out of school while on crutches. The pain in her leg continued for almost a year. She stated that she has "scarring and a herniated muscle which is aesthetically displeasing as well as painful".

In January of 2009, the complainant/victim received a telephone call from her uncle (from Florida). He said that "he heard" that the manufacturer of his (former) utility vehicle was being sued for damages pertaining to injuries sustained from the vehicle. On his recommendation, she considered that she should pursue a lawsuit against the manufacturer.

On February 2, 2009, the complainant (victim) conducted an internet search concerning the involved utility vehicle and found CPSC's web-site. She e-mailed the Commission and reported the involved roll-over incident. The complainant discovered a number of previously recalled recreational vehicles on the website. She believed that the vehicle was a safety hazard and felt that her incident would be of interest.

At this time, she has not contacted the responsible vehicle manufacturer to submit a complaint. She has not contacted an attorney about a lawsuit.

Upon this investigation, the female victim was available for questioning. She stated that her uncle sold the involved utility vehicle shortly after the incident. They were in agreement that the vehicle was unsafe. She would not reveal her uncle's name/address in Ocala, FL. There was no further identifying information available concerning the utility vehicle (i.e. model/VIN numbers).

Photographs (incident/injuries) and medical records/invoices were requested but were not received. There was no law enforcement or rescue squads involved with this incident. The passengers were both wearing seat belts and they were not ejected during the roll-over incident. They were not wearing safety helmets. The victim believed that the "vehicle's roll bars probably saved their lives".

PRODUCT IDENTIFICATION

The product involved in this incident was a gas-powered **Utility Vehicle**. The utility vehicle was identified as a Yamaha Rhino Utility Vehicle. The model and VIN number were unknown. The vehicle was purchased, used by the complainant's uncle in 2006. The two-seat vehicle's exterior color was green. The unit featured a mini-cargo bed and a metal roll bar cage. The unit was believed to be powered by a liquid-cooled, single-cylinder four-stroke engine. The drivetrain featured a variable automatic 2WD/4WD transmission.

MANUFACTURER: NAME and ADDRESS (Utility Vehicle)

Yamaha Motors Corporation, USA.
6555 Katella Avenue
Cypress, CA 92630 (tele #: 714-761-7300)

EXHIBITS

Exhibit # 1: Contact Sheet

Exhibit # 2: Missing Documents form

090204CCC1403

EXHIBIT # 1

Contact # 1:

(b)(3):CPSA Section 25(c)



Task No. 090204CCC1403

Date: February 6, 2009

STATUS OF MISSING DOCUMENT (S)

The official records were requested for this investigation report but could not be obtained.

1. Photograph of vehicle

2. Medical records/invoices

3. _____

4. _____

5. _____

Date: 2-12-2009

Investigator No: 3385

Regional office: CFIE-D

Supervisor No: 8978

6/30/09

1. Task Number 090225HCC2408		2. Investigator's ID 8925		EPIDEMIOLOGIC INVESTIGATION REPORT
3. Office Code 810	4. Date of Accident YR MO DAY 2008 07 16	5. Date Initiated YR MO DAY 2009 03 04		
6. Synopsis of Accident or Complaint UPC none <p>The victim, a 32-year-old male, was riding on a 4-wheeled ATV on a dry, paved road and he was not wearing a helmet. He was under the influence and he failed to stay in the proper lane. The ATV swerved, then overturned and he was ejected. He came to a final rest on the roadway and he was struck by the ATV. He was severely injured and he was taken to a hospital, where he died. His cause of death was multiple blunt force injuries.</p> <p style="text-align: right;">MFR/PRVLBR NOTIFIED COMMENTS: YES <input checked="" type="checkbox"/> NO <input checked="" type="checkbox"/> OVERRULED; ATTACHED <input checked="" type="checkbox"/> EXCISIONS/FOIA EXS. 3, 25, 6 <input checked="" type="checkbox"/> DO NOT RE-NOTIFY RE-NOTIFY</p> <p style="text-align: right;"><i>3/31/10</i></p>				
7. Location (Home, School, etc) 4 - STREET OR HIGHWAY		8. City BRADFORD		9. State TN
10A. First Product 5044 - Utility Vehicles		10B. Trade/Brand Name POLARIS/RANGER		10C. Model Number UNKNOWN
10D. Manufacturer Name and Address POLARIS INDUSTRIES INC./VIN: 4XARD50A74D167446 1225 Highway 169 North Minneapolis, MN 55441				
11A. Second Product 0		11B. Trade/Brand Name NONE		11C. Model Number NONE
11D. Manufacturer Name and Address NONE				
12. Age of Victim 32	13. Sex 1 - Male	14. Disposition 8 - Death	15. Injury Diagnosis 62 - Intern. Org. Inj.	
16. Body Part(s) Involved 87 - N.S./UNK	17. Respondent 3 - 2nd Hand Info Only	18. Type of Investigation 2 - Telephone	19. Time Spent (Operational / Travel) 4 / 0	
20. Attachment(s) 9 - Multiple Attachments		21. Case Source 14 - Death Certificate		22. Sample Collection Number
23. Permission to Disclose Name (Non NEISS Cases Only) <input type="radio"/> Yes <input checked="" type="radio"/> No <input type="radio"/> Verbal <input type="radio"/> Yes for Manuf. Only				
24. Review Date 04/28/2009	25. Reviewed By 9093		26. Regional Office Director Dennis R. Blasius	
27. Distribution Moon, Clarice; Streeter, Robin; Kessler, Charles			28. Source Document Number 0847033786	

090225HCC2408

ATTACHMENTS:

1. Traffic Crash Report.
 2. Missing Document, photo of ATV.
 3. Report of Investigation by County Medical Examiner.
 4. Contact Information.
 5. All-Terrain Vehicle (ATV) Questionnaire.
-

7/20/2008



Master Record Number	900002774
Type of Crash: Fatal	

Tennessee Electronic Traffic Crash Report

Incident Information

Date of Crash 07/16/2008	Day of Crash Wednesday	Local Agency Number THP TRAC	Reporting Agency Name Tennessee Highway Patrol	Agency Tracking Number 808020352
Time of Crash 22:30:00	Time Notified 22:58:00	Time Arrived 23:27:00	County Gibson	City
Total Vehicles 1	Total Occupants 1	Total Non-Occupants 0	Total Killed 1	Total Injured 0
Hit and Run N	Solved? N	Police Pursuit N	School Bus Involved? No	Photos Taken? Y
Area Residential	Interchange Related? N	Intersect Type Not at Intersection		
Block Number	Roadway Number	Roadway Name CHARLIE BENSON	Suffix RD	
Est Distance 0.30	Distance Type Miles	Direction West	From Highway Number/Intersection	Suffix US45
Roadway Local ID	Intersect Local ID			
Relation to Junction Non-Junction	Relation to Roadway On Roadway		Route Signing County Route	
Construction Zone	Construction Location			
Highway Construction Zone None	Workers Present			
First Harmful Event Over Turn, Roll Over	Trafficway Type Trafficway-OPEN			
Weather Conditions Clear	Light Conditions Dark-Not Lighted	Latitude	Longitude	Rail Crossing ID
Manner of Collision Not Collision with Motor Vehicle in Transport				
1st Collision Factor		2nd Collision Factor		3rd Collision Factor

Investigating Officer Details

Investigation Complete N	Rank TROOPER	First Name BARON	Middle Initial W	Last Name COOPER	Suffix
Badge Number 213BC	District/Zone 8	Car Number 8840	Report Date 07/17/2008		

No. of Occupants 1	Driver Presence Driver Operated
-----------------------	------------------------------------

Driver Information

First Name (b)(3):CPSA Section 25(c)	Middle Initial	Last Name	Suffix	Date of Birth 4/28/76	Age 32
Address Line 1 (b)(3)			Address Line 2	City	State TN
Zip Code 38316	Phone 1	Phone 2	Phone 3	Race Caucasian	Ethnicity White
Gender M	Air Bag Not Available				
Safety Equipment No Helmet					
Drivers License Number (b)(3)	License State TN	Expiration Date 2011	License Class A	License Status Revoked	Seat Position Front Seat-Left Side
Endorsements 1 Hazardous Materials	Complied With? Y	Endorsements 2		Complied With?	Endorsements 3
Restrictions 1	Complied With?	Restrictions 2		Complied With?	Restrictions 3
Ejected Not Applicable	Ejection Path Not Ejected			Trapped/Extricated Not Applicable	
Injury Code Fatal	Medical Transport EMS-Air	Ambulance/Hospital VANDERBILT			

Driver Conditions and Actions

Hit and Run? No Hit And Run	Driver/Vehicle Maneuver Going Straight	Distraction Unknown
Driver's 1st Condition Had Been Drinking	Driver's 2nd Condition	Driver's 3rd Condition
Driver's 1st Action Failure To Keep In Proper Lane	Driver's 2nd Action	
Driver's 3rd Action	Driver's 4th Action	

Alcohol and Drugs

Presence of Alcohol Yes	Determination Method Observed	Alcohol Test Status Test Given
1st Alcohol Test Type Whole Blood	1st Alcohol Test Result Pending	2nd Alcohol Test Type
2nd Alcohol Test Result	Presence of Drugs Unknown	Determination Method
Drug Test Status Test Given	1st Drug Test Type	1st Drug Test Result
2nd Drug Test Type	2nd Drug Test Result	3rd Drug Test Type
3rd Drug Test Result		

Driver Violations

1st Violation	1st Violation Category	1st Violation Description	1st Violation Statute
2nd Violation	2nd Violation Category	2nd Violation Description	2nd Violation Statute
3rd Violation	3rd Violation Category	3rd Violation Description	3rd Violation Statute
4th Violation	4th Violation Category	4th Violation Description	4th Violation Statute
5th Violation	5th Violation Category	5th Violation Description	5th Violation Statute

Vehicle Information

Owner Same as Driver? (b)(3)	Owner First Name	Owner Middle Name	Owner Last Name	Owner Suffix
Street 1 (b)(3)	Street 2	City KENTON	State TN	Zip Code 38233
Phone Number 1 (b)(3)	Phone Number 2	Phone Number 3	Vehicle Year 2004	Vehicle Make POLA
Vehicle Model RANG	Color Green-Dark	VIN (b)(3)	License Plate Number NONE	State
Exp Year	Body Code Unknown	Motor Vehicle In-Transport	HAZMAT? N	FMCSA Renordable? N
Bus Use Not Used As School Bus	Gross Weight 10000 or Less-No Haz-8 Or Less	Vehicle Configuration	Vehicle Operation Type Personally Owned/Used	Cargo Body Type
1st Factor NONE	2nd Factor	3rd Factor	Insurance 1 Type Unknown	Insurance 1 Carrier
Insurance 1 Start Date	Insurance 1 End Date	Insurance 2 Type	Insurance 2 Carrier	Insurance 2 Start Date
Insurance 2 End Date	Insurance 3 Type	Insurance 3 Carrier	Insurance 3 Start Date	Insurance 3 End Date

Vehicle Damage and Roadway Characteristics

Most Harmful Event Occupant Struck By Own Vehicle		Emergency Use? N	Over Underride No Underride-Override	Fire in Vehicle? N
Events 1 Over Turn, Roll Over		Events 2 Occupant Struck By Own Vehicle		Events 3
Events 4		Events 5		Events 6
Point of First Impact Left Side-Center	Extent of Damage Disabling Damage		Officer Damage Estimate Greater Than 400 Dollars	
Areas of Vehicle Damage Left Side-Center				
Vehicle Special Use No Special Use	Towed? Towed Due To Vehicle Damage	Towed Where? HUMBOLDT EXXON	1st Trailer No Trailer	1st Trailer Licence Plate Information
2nd Trailer	2nd Trailer Licence Plate Information		3rd Trailer	3rd Trailer Licence Plate Information
Travel Direction South	Trafficway Flow Two-Way Not Divided		Roadway Surface Type Asphalt	Number of Travel Lanes Two Lanes
Trafficway Hazards None				
Traffic Control Devices No Control		Traffic Control Device Functioning No Controls		Roadway Route Signing County Route
Roadway Surface Conditions Dry		Roadway Character Alignment Straight		Roadway Character Profile Uphill Grade
Speed Limit	Access Control No Control			

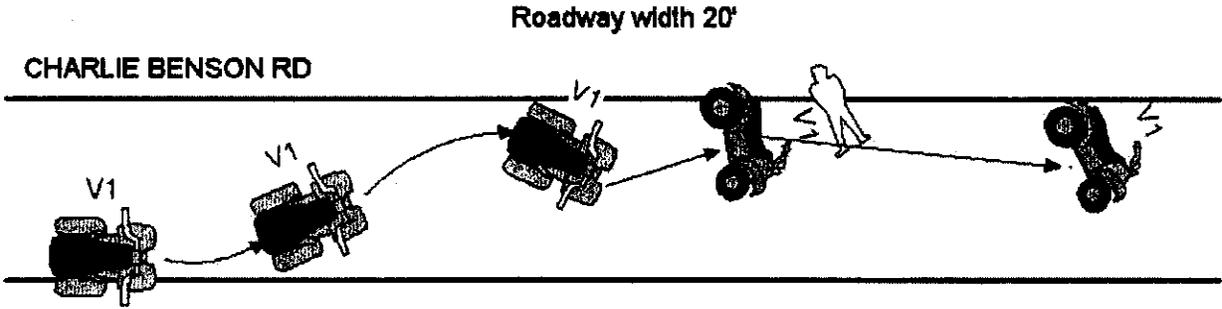
Commercial Carrier Information

USDOT	Carrier Name		Carrier Type		ISS NO	IN DOC
Address Line 1		Address Line 2		City	State	Zip Code
Phone						
1st Hazardous Materials	HAZMAT Class	Placard?	Placard #	Released?	Hazardous Materials Released	
2nd Hazardous Materials	HAZMAT Class	Placard?	Placard #	Released?	Hazardous Materials Released	
3rd Hazardous Materials	HAZMAT Class	Placard?	Placard #	Released?	Hazardous Materials Released	

Narrative

VEHICLE 1 WAS TRAVELING EAST ON CHARLIE BENSON RD WHEN IT SWERVED LEFT THEN RIGHT AND OVERTURNED. THE DRIVER WAS EJECTED TO THE ROADWAY AND WAS STRUCK BY THE VEHICLE. VEHICLE 1 SLID TO A STOP ON ITS LEFT SIDE. SEAT BELT WAS AVAILABLE, BUT NOT IN USE.

NOT TO SCALE



Task Number: 090225HCC2408
Date: 4/28/09

Status of Missing Document(s)

The official records below were requested for this investigation report, but could not be obtained.

1. photo, 4-wheeled ATV
2. _____
3. _____
4. _____

Date: 4/28/09 Investigator No. 8925

Regional Office: _____ Supervisor No. _____

TENNESSEE DEPARTMENT OF HEALTH AND ENVIRONMENT
OFFICE OF THE MEDICAL EXAMINER
850 R.S. Gess Blvd., Nashville TN 37216-2640
(615) 743-1800
REPORT OF INVESTIGATION BY COUNTY MEDICAL EXAMINER

MEC 08-2557

State Number: 08-19-1766

DECEDENT: (b)(3):CPS
RACE: White SEX: Male AGE: 32 Years MARITAL STATUS:
HOME ADDRESS: (b)(3):CPSA ; Dyer, TN

OCCUPATION: DATE OF BIRTH: 04/26/76

TYPE OF DEATH: Apparent Natural/Unattended Motor Vehicle Cremation: N
 Casualty Other
 Homicide/Suspected Homicide Suddenly when in apparent health
 In Prison Suicide

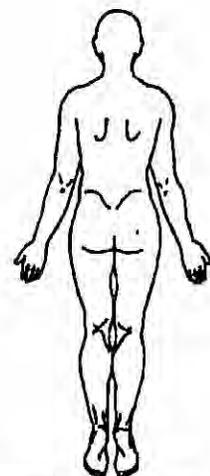
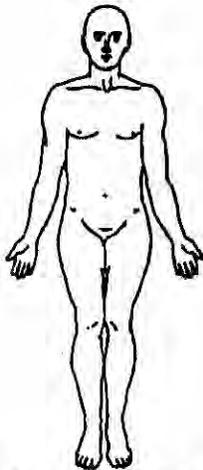
COMMENT: ATV accident

AGENCY INVESTIGATOR AND COMPLAINT #: TN Highway Patrol

DESCRIPTION OF BODY: Clothed Unclothed Partly Clothed Circumcised?

Eyes: Hair: Mustache: Beard:
Weight: (Lbs.) Length: (In.) Body Temp:
Rigor? Livor Color: Fixed?

Marks & Wounds



CERTIFIED COPY

I hereby certify that this is a true and correct copy
of the medical examiner's report on file at the
Office of the State Medical Examiner, Nashville TN.

By Woosley Date 3-9-09

Probable Cause of Death	Manner of Death	Disposition Of Case
Multiple blunt force injuries	<input type="checkbox"/> Accident <input type="checkbox"/> Natural <input type="checkbox"/> Homicide <input type="checkbox"/> Could Not Be Determined <input type="checkbox"/> Suicide <input type="checkbox"/> Pending Investigation Cremation Approved: N	Medical Examiner Jurisdiction: Accepted Autopsy Ordered: External Examination Toxicology: Responsible for Death Certificate: <input checked="" type="checkbox"/> Medical Examiner <input type="checkbox"/> Other Physician Funeral Home: Kames & Son Funeral Hc

I hereby declare that after receiving notice of death described herein, I took charge of the body and made inquiries regarding the cause of death in accordance with Section 38-7-101-117 Tennessee Code Annotated and that the information contained herein regarding such death is true and correct to the best of my knowledge and belief.

July 22, 2008
Date

Davidson
County of Appointment

Signature of County Medical Examiner

ME Report Form for MEC08-255, Justin Mathis Page 2

	Last Seen Alive	Injury or Illness	Death	Discovery	Medical Examiner Notified	View of Body	Police Notified
Date	07/17/2008	07/16/2008	07/17/2008		07/17/2008		07/16/2008
Time	10:51 AM	Unknown	10:52 AM		11:08 AM		10:48 PM

	Location	City or County	Type of Premises (hospital, hotel, highway, etc.)
Injury or onset of illness	Charlie Benson Rd.	Bradford, TN	Roadway
Death	Vanderbilt Medical Center	Nashville	Hospital
Viewing of body by Medical Examiner			

MEDICAL ATTENTION AND HOSPITAL, INSTITUTIONAL CARE OR HOME HEALTH CARE

Name of Physician or Institution	Address	Diagnoses	Dates
Medical Staff	Vanderbilt Medical Center 1121 22nd Ave South; Nashville, TN 37232	BFI of head	07/17/2008 - 07/17/2008

(35) CIRCUMSTANCES OF DEATH

	Name	Address
Found Dead By		
Last Seen Alive By	Medical Staff	Vanderbilt Medical Center 1121 22nd Ave South; Nashville, TN 37232
Witness to Injury or Illness		
Witness to Death	(b)(3)-CPSA S	Vanderbilt Medical Center 1121 22nd Ave South; Nashville, TN 37232
Next of Kin	(b)(6)	

(36) NARRATIVE SUMMARY OF CIRCUMSTANCES SURROUNDING DEATH

Reportedly, this 32 y.o. W/M was involved in an ATV accident in the late evening hours of 07/16/2008. Emergency medical personnel transported the patient to the helipad and the patient was airlifted to the local trauma center with severe head injuries. Despite all medical attention, the patient was pronounced deceased at 10:52 hours on 07/17/2008 by (b)(3)-Dosssett. This office was contacted by (b)(3)-CPSA S RN, who reported the death and provided demographic information. Following and potential tissue/organ harvest, the decedent's body was transported, via MTRS, to the Medical Examiner's Office for further investigation by the Forensic Pathologist. Burton Mixer, Investigator 07/17/2008.

CONTACT INFORMATION:

Contacted on 3/4/09

Medical Examiner
850 RS Gass Blvd
Nashville, TN 37216
(615)743-1800

TN Highway Patrol
20 Vann Drive
Jackson, TN 38305
(731)423-6635

Task Number 090225HCC2408

INTERVIEWER: When the response to a particular question is unknown, please leave blank.

Type of respondent: Other

Other, specify: highway patrol and medical examiner

1. What type of vehicle was involved in the incident? (If vehicle is not an ATV, or if ATV has more than 4 wheels, politely thank respondent for her/his cooperation and terminate interview).

- | | |
|---------------------------------------|---------------------|
| 1 - 3 wheeled ATV | ⑦ - Utility Vehicle |
| 2 - 4 wheeled ATV | 8 - Other Vehicle |
| 3 - ATV with unknown number of wheels | 0 - Unknown |
| 4 - 2 wheeled motorcycle | |
| 5 - Dune Buggy | |
| 6 - ATV with more than 4 wheels | |

2. What is the manufacturer/brand name of the ATV(s) involved in the incident? If more than two ATVs, use an additional sheet.

ATV #1	ATV #2
Manufacturer: 05 - Polaris	Manufacturer:

3. What is the model name or number and/or vehicle identification number (VIN) of the ATV?

Model: Ranger	VIN: 4XARD50A74D167446
---------------	------------------------

4. What is the model year of the ATV? (Record last two digits of model year. For example 89,90).

Model Year: 2004

5. What is the engine size (in CCs) of the ATV?

Engine Size: Unknown

6. Was there more than one death involved in this incident? If more than two individuals were killed use an additional sheet.

Death #1	Death #2
Date of Death: 07/17/2008	
Age/Sex: 32/Male	/
State of Death: TN	
City of Death: Nashville	
County of Death: Davidson	

7. Describe how the incident occurred. (Use additional sheets if necessary).

The victim, a 32-year-old male, was riding on a 4-wheeled ATV on a dry, paved road and he was not wearing a helmet. He was under the influence and he failed to stay in the proper lane. The ATV swerved, then overturned and he was ejected. He came to a final rest on the roadway and he was struck by the ATV. He was severely injured and he was taken to a hospital, where he died. His cause of death was multiple blunt force injuries.

8. Did the ATV overturn/tipover/rollover? Yes

9. If ATV overturned/tipped over/rolled over, did it land on the victim?

Victim 1: Victim 2:

Yes No Unknown Yes No Unknown

10. Who was killed in the incident? Check all that apply.

1 - Driver 3 - Bystander 8 - Other
2 - Passenger 4 - Driver/Other Vehicle

11. Was the victim wearing a helmet at the time the incident occurred?

Victim 1: Victim 2:

Yes No Unknown Yes No Unknown

12. How many riders (including the driver) were on the ATV at the time the incident occurred?

0 - Unknown 2 - Two riders 4 - Four or more riders
 1 - One rider 3 - Three riders

13. List the following physical characteristics of the DRIVER of the ATV:

Age: 32 Height: (inches)

Weight: Sex: Male

14. How did the driver learn to operate an ATV (READ LIST)

- 1 - Organized Program Sponsor's Name:
- 2 - Dealer/Salesperson Arranged through dealer:
- 3 - Friend/Relative Friend/Relative Age:
- 4 - Self
- 5 - Other (Specify)
- 9 - Don't Know

15. What was the type of terrain (ground surface) being travelled at the time the incident occurred?

08 - Paved road

16. Type of road being travelled by ATV when incident occurred?

01 - Public road

17. Identify any other motor vehicle(s) involved in this incident.

09 - NA (Not a traffic incident)

18. Had the driver of the ATV used alcohol just prior to the incident?

1 - Yes

19. Had the driver taken any drugs or medication just prior to the incident?

2 - No, Drugs

Additional Comments:

1. Task Number 090309HNE4240		2. Investigator's ID 8942		EPIDEMIOLOGIC INVESTIGATION REPORT
3. Office Code 810	4. Date of Accident YR MO DAY 2009 03 08	5. Date Initiated YR MO DAY 2009 03 16		
6. Synopsis of Accident or Complaint UPC A 10-year-old-male was riding a 4-wheeled ATV solo around the dirt perimeter of a private farm. He was not wearing a helmet. As he exited the farm onto the north shoulder of a roadway he struck a portion of a discarded electrical pole that was being used as a fence post. He was ejected from the ATV and sustained fatal injuries. He was transported to a hospital where he was pronounced with the cause of death determined to be blunt force neck trauma.				
<u>NEP/PM/BB NOTIFIED</u> COMMENTS: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO 2-8-11 <input checked="" type="checkbox"/> OVERFILLED <input type="checkbox"/> ATTACHED LH <input checked="" type="checkbox"/> DISSEMINATED <input type="checkbox"/> DISSEMINATED 328/6 <input checked="" type="checkbox"/> DO NOT RE-NOTIFY <input type="checkbox"/> RE-NOTIFY				
7. Location (Home, School, etc) 2 - FARM		8. City TALLAHASSEE		9. State FL
10A. First Product 3286 - All Terrain Vehicles (four W	10B. Trade/Brand Name HONDA (b)(7)(C)		10C. Model Number RANGER ES TRX350	
10D. Manufacturer Name and Address HONDA MOTOR CO. 100 West Alondra Boulevard Gardena, CA 90247				
11A. Second Product 1865 - Poles	11B. Trade/Brand Name POWER POLE		11C. Model Number UNKNOWN	
11D. Manufacturer Name and Address NONE				
12. Age of Victim 10	13. Sex 1 - Male	14. Disposition 8 - Death	15. Injury Diagnosis 71 - Other	
16. Body Part(s) Involved 89 - NECK	17. Respondent 3 - 2nd Hand Info Only	18. Type of Investigation 2 - Telephone	19. Time Spent (Operational / Travel) 7 / 0	
20. Attachment(s) 9 - Multiple Attachments	21. Case Source 05 - Newspaper		22. Sample Collection Number	
23. Permission to Disclose Name (Non NEISS Cases Only) <input type="radio"/> Yes <input checked="" type="radio"/> No <input type="radio"/> Verbal <input type="radio"/> Yes for Manuf. Only				
24. Review Date 05/29/2009	25. Reviewed By 9093		26. Regional Office Director Dennis R. Biasius	
27. Distribution Streeter, Robin; Kessler, Charles; Harris, Paulette			28. Source Document Number N0930119A	

090309HNE4240

ATTACHMENTS:

1. Police Report
2. Medical Examiner's Report
3. Death Certificate
4. Contact Sheet
5. Status of Missing Document (s)
6. Questionnaire

FLORIDA TRAFFIC CRASH REPORT
LONG FORM

MAIL TO: DEPR. OF HIGHWAY SAFETY AND MOTOR VEHICLES, TRAFFIC
CRASH RECORDS, NEIL KIRKMAN BUILDING, TALLAHASSEE, FL 32399-0537

DO NOT WRITE IN THIS SPACE

Time & Location	DATE OF CRASH 03/08/2009	TIME OF CRASH 05:27 <input type="checkbox"/> AM <input checked="" type="checkbox"/> PM	TIME OFFICER NOTIFIED 05:03 <input type="checkbox"/> AM <input checked="" type="checkbox"/> PM	TIME OFFICER ARRIVED 05:38 <input type="checkbox"/> AM <input checked="" type="checkbox"/> PM	INVEST. AGENCY REPORT NUMBER 09-53242	HSMV CRASH REPORT NUMBER 71975035
	COUNTY / CITY CODE 1300	FEET or MILE(S) N S E W <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> of TALLAHASSEE	CITY OR TOWN (Check if in City or Town)			COUNTY LEON
	AT NODE NO. or FEET or MILE(S) 50 FT	FROM NODE NO.	NEXT NODE NO.	NO. OF LANES 02	1. DIVIDED <input type="checkbox"/> 2. UNDIVIDED <input checked="" type="checkbox"/>	ON STREET, ROAD OR HIGHWAY (b)(6)
AT THE INTERSECTION OF (street, road or highway) or FEET MILE(S) N S E W FROM INTERSECTION OF (street, road or highway) 50 FT <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> CAPITOLA RD.						

S B C I O N	DRIVER ACTION 1 Phantom 2 Hit and Run 3 N/A	YEAR 2003	MAKE HOND	TYPE 13	USE 01	VEH. LICENSE NUMBER NONE	STATE FL	VEHICLE IDENTIFICATION NUMBER (b)(6)	18 Undercarriage 19 Overlap 20 Windshield 21 Trailer SHOW FIRST POINT OF DAMAGE AND CIRCLE DAMAGED AREA(S) 1						
	TRAILER OR TOWED VEHICLE INFORMATION	TRAILER TYPE		MOTOR VEHICLE INSURANCE COMPANY (LIABILITY OR PIP) POLICY NUMBER											
	VEHICLE TRAVELLING N S E W <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	ON AT	Est MPH 10	POSTED SPEED	EST. VEHICLE DAMAGE 100	1 Disabling 2 Functional 3 No Damage	2	EST TRAILER DAMAGE							
1 V e h i c l e	NAME OF VEHICLE OWNER (Check Box if Same As Driver) <input type="checkbox"/>		CURRENT ADDRESS (Number and Street)		CITY AND STATE		ZIP CODE		1. Tow Rotation List 2. Tow Owner's Request 3. Driver 4. Other						
	NAME OF OWNER (Trailer or Towed Vehicle)		CURRENT ADDRESS (Number and Street)		CITY AND STATE		ZIP CODE								
	NAME OF MOTOR CARRIER (Commercial Vehicle Only)		CURRENT ADDRESS (Number and Street)		CITY STATE AND ZIP CODE		US DOT or ICC MC IDENTIFICATION NUMBERS								
P e d e s t r i a n	NAME OF DRIVER (Take From Driver License) / PEDESTRIAN		CURRENT ADDRESS (Number and Street)		CITY STATE AND ZIP CODE		DATE OF BIRTH								
	DRIVER LICENSE NUMBER NONE	STATE	DL TYPE 7	REG END 2	ALC/DRUG TEST TYPE 1 Blood 3 Urine 5 None 2 Breath 4 Refused	5	RESULTS	ALC/DRUG	PHYS DEF 1	RES 1	RACE 2	SEX 1	INJ 5	S. EQUIP	EJECT 2
	HAZARDOUS MATERIALS BEING TRANSPORTED	PLACARDED	IF YES INDICATE NAME OR 4 DIGIT NUMBER FROM DIAMOND OR BOX ON PLACARD, AND 1 DIGIT NUMBER FROM BOTTOM OF DIAMOND		WAS HAZARDOUS MATERIAL SPILLED?	RECOMMEND DRIVER RE EXAM IF YES EXPLAIN IN NARRATIVE	DRIVER'S PHONE NO. (b)(6)		1 Yes 2 No	2	1 Yes 2 No	2			

S B C I O N	DRIVER ACTION 1 Phantom 2 Hit and Run 3 N/A	YEAR	MAKE	TYPE	USE	VEH. LICENSE NUMBER	STATE	VEHICLE IDENTIFICATION NUMBER	18 Undercarriage 19 Overlap 20 Windshield 21 Trailer SHOW FIRST POINT OF DAMAGE AND CIRCLE DAMAGED AREA(S)					
	TRAILER OR TOWED VEHICLE INFORMATION	TRAILER TYPE		MOTOR VEHICLE INSURANCE COMPANY (LIABILITY OR PIP) POLICY NUMBER										
	VEHICLE TRAVELLING N S E W <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	ON AT	Est MPH	POSTED SPEED	EST. VEHICLE DAMAGE	1 Disabling 2 Functional 3 No Damage		EST TRAILER DAMAGE						
2 V e h i c l e	NAME OF VEHICLE OWNER (Check Box if Same As Driver) <input type="checkbox"/>		CURRENT ADDRESS (Number and Street)		CITY AND STATE		ZIP CODE		1. Tow Rotation List 2. Tow Owner's Request 3. Driver 4. Other					
	NAME OF OWNER (Trailer or Towed Vehicle)		CURRENT ADDRESS (Number and Street)		CITY AND STATE		ZIP CODE							
	NAME OF MOTOR CARRIER (Commercial Vehicle Only)		CURRENT ADDRESS (Number and Street)		CITY STATE AND ZIP CODE		US DOT or ICC MC IDENTIFICATION NUMBERS							
P e d e s t r i a n	NAME OF DRIVER (Take From Driver License) / PEDESTRIAN		CURRENT ADDRESS (Number and Street)		CITY STATE AND ZIP CODE		DATE OF BIRTH							
	DRIVER LICENSE NUMBER	STATE	DL TYPE	REG END	ALC/DRUG TEST TYPE	RESULTS	ALC/DRUG	PHYS DEF	RES	RACE	SEX	INJ	S. EQUIP	EJECT
	HAZARDOUS MATERIALS BEING TRANSPORTED	PLACARDED	IF YES INDICATE NAME OR 4 DIGIT NUMBER FROM DIAMOND OR BOX ON PLACARD, AND 1 DIGIT NUMBER FROM BOTTOM OF DIAMOND		WAS HAZARDOUS MATERIAL SPILLED?	RECOMMEND DRIVER RE EXAM IF YES EXPLAIN IN NARRATIVE	DRIVER'S PHONE NO.		1 Yes 2 No		1 Yes 2 No			

VEHICLE TYPE	VEHICLE USE	TRAILER TYPE	RESIDENCE (Driver / Ped.)	PHYSICAL DEFECTS	ALCOHOL / DRUG USE	LOCATION IN VEHICLE
01 Automobile	01 Private Transportation	01 Single Semi Trailer	1 County of Crash	1 No Defects Known	1 Not Drinking or Using Drugs	1 Front Left
02 Van	02 Commercial Passengers	02 Tandem Semi Trailer	2 Elsewhere in State	2 Eyesight Defect	2 Alcohol - Under Influence	2 Front Center
03 Light Truck / P.U. - 2 or 4 rear tires	03 Commercial Cargo	03 Tank Trailer	3 Non-Resident Out of State	3 Fatigue/Asleep	3 Drugs - Under Influence	3 Front Right
04 Medium Truck - 4 rear tires	04 Public Transportation	04 Saddle Mount/Flatbed	4 Foreign	4 Hearing Defect	4 Alcohol & Drugs - Under Influence	4 Rear Left
05 Heavy Truck - 2 or more rear axles	05 Public School Bus	05 Boat Trailer	5 Unknown	5 Blindness	5 Had Been Drinking	4 Rear Center
06 Truck Tractor (Cab Behind)	06 Private School Bus	06 Utility Trailer	DL TYPE	6 Seizure, Epilepsy, Blackout	6 Pending ALC/DRUG Test Results	5 Rear Right
07 Motor Home (RV)	07 Ambulance	07 House Trailer	1 A 2 B 3 C	7 Other Physical Defect		6 in Body Of Truck
08 Bus (driver + seats for over 15)	08 Law Enforcement	08 Pole Trailer	4 D/Chauffeur	INJURY SEVERITY	1 Not in Use	7 Bus Passenger
09 Bus (driver + seats for over 15)	09 Fire/Rescue	09 Towed Vehicle	1 White	1 None	2 Seat Belt / Shoulder Harness	8 Other
10 Bicycle	10 Military	10 Auto Transport	2 Black	2 Possible	3 Child Restraint	9 EJECTED
11 Motorcycle	11 Other Government	77 Other	3 Hispanic	3 Non-Incapacitating	4 Air Bag - Deployed	1 No
12 Moped	12 Dump		5 E/Operator	4 Incapacitating	5 Air Bag - Not Deployed	2 Yes
13 All Terrain Vehicle	13 Concrete Mixer		6 E/Oper-Rest	5 Fatal (Within 30 Days)	6 Safety Helmet	3 Partial
14 Train	14 Garbage or Refuse		7 None	6 Non-Traffic Fatality	7 Eye Protection	
15 Low Speed Vehicle	15 Cargo Van		REQUIRED ENDORSEMENTS			
16 Other	16 Other		1 Yes			
			2 No			
			3 No Endorsement Required			

FLORIDA TRAFFIC CRASH REPORT NARRATIVE/DIAGRAM

MAIL TO: DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES, TRAFFIC CRASH
RECORDS SECTION, NEIL K. FARMAN BUILDING, TALLAHASSEE, FL 32309-0500

DO NOT WRITE IN THIS SPACE

TIME EMS NOTIFIED (FATALITIES ONLY) 05:27 <input type="checkbox"/> AM <input checked="" type="checkbox"/> PM	TIME EMS ARRIVED (FATALITIES ONLY) <input type="checkbox"/> AM <input type="checkbox"/> PM	DATE OF CRASH 3/8/2009	COUNTY/CITY CODE 1300	INVEST AGENCY REPORT NUMBER 09-53242	HSWV CRASH REPORT NUMBER 71975035
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(NARRATIVE)

ON 08 MARCH 2009 I RESPONDED TO [REDACTED] IN REFERENCE TO A REPORT OF AN A.T.V ACCIDENT. UPON MY ARRIVAL, I MADE CONTACT WITH DEPUTY C. POOLE WHO BRIEFED ME ON THE INCIDENT. SEVERAL FIREFIGHTERS WITH TFD WERE PRESENT ALONG WITH 3 CHAIRES VOLUNTEER FIREFIGHTERS. THE JUVENILE VICTIM, LATER IDENTIFIED AS MARION JUSTIN HARMON, WAS BEING TREATED BY LEON COUNTY PARAMEDICS KIM MORGAN & MICHAEL FORSBERG IN THE AMBULANCE. I OBTAINED THE NAMES OF THE FIREMEN ON SCENE AND SECURED A ENTRY CONTROL LOG. I ALSO PLACED CRIME SCENE TAPE AROUND THE CRASH SITE. I IDENTIFIED ALL OF THE WITNESSES, I FIRST MADE CONTACT WITH [REDACTED] HE STATED HE WAS RIDING DOWN CAPITOLA ROAD IN A VEHICLE WITH [REDACTED] AND [REDACTED] WHEN THEY SPOTTED A FOUR WHEELER TURNED ON ITS SIDE AND THE BODY OF A SMALL BOY LYING FACE DOWN BESIDE IT. HE STATED THAT ALL THREE OF THEM RAN UP TO THE VEHICLE AND BEGAN CHECKING ON THE BOY. MR. [REDACTED] THEN RAN UP THE DRIVE AND FLAGGED DOWN THREE MEN: [REDACTED] THE FOUR OF THEM RAN BACK TO THE CRASH SITE AND BEGAN CPR, AFTER CALLING 911. MR. [REDACTED] STATED THAT THE FOUR WHEELER WAS ON ITS SIDE WITH THE TIRES FACING TOWARDS CAPITOLA ROAD. HE STATED THE BOY WAS FACE DOWN JUST A FEW FEET AWAY. HE STATED HE NOTICED INJURIES TO HIS NECK AND MOUTH AREA. HE STATED THE JUVENILE DID NOT HAVE ON A HELMET AND WAS NOT ABLE TO MAKE ANY STATEMENTS.

I THEN SPOKE TO [REDACTED] AND [REDACTED] AND THEN TOOK WRITTEN STATEMENTS FROM THEM. BOTH WOMEN STATED THEY WERE RIDING IN THE VEHICLE WITH MR. [REDACTED] WHEN THEY SAW THE FOUR WHEELER ON ITS SIDE AND A SMALL BOY LYING FACE DOWN. BOTH WOMEN STATED THEY ATTEMPTED TO PROVIDE AID TO THE JUVENILE WHILE MR. [REDACTED] RAN TO GET HELP. BOTH WOMEN AND MR. [REDACTED] WERE SEPARATED AND ALL INTERVIEWED SEPARATELY. I THEN MADE CONTACT WITH WITNESS [REDACTED] HE STATED HE HAD BEEN AT THE PROPERTY OF [REDACTED] VISITING [REDACTED] AND HIS BROTHER [REDACTED] HE STATED THAT [REDACTED] SON, [REDACTED] WAS RIDING HIS FOUR WHEELER AROUND THE PROPERTY. HE STATED THAT A SUBJECT CAME RUNNING UP THE DRIVE YELLING THAT THERE HAD BEEN A FOUR WHEELER ACCIDENT AND THAT A BOY WAS HURT. MR. [REDACTED] AND THE [REDACTED] RAN DOWN AND BEGAN PROVIDING AID TO THE CHILD. MR. [REDACTED] PROVIDED A SWORN STATEMENT, AS WELL. I WAS NOT ABLE TO SPEAK TO THE HARMON'S SINCE THEY HAD LEFT THE SCENE ENROUTE TO THE HOSPITAL. MEMBERS OF THE TRAFFIC HOMICIDE UNIT ARRIVED AT THE SCENE AND WERE BRIEFED ON THE FACTS KNOWN AT THE TIME. THE SCENE WAS THEN TURNED OVER TO THEM, SEE THE T.H.I REPORT FOR THE DIAGRAM.

THE FOLLOWING IS A LIST OF RESCUE PERSONNEL PRESENT DURING MY INVESTIGATION:

TALLAHASSEE FIRE DEPARTMENT - BRIAN GERALD, KEN DAVIS AND KEVIN BUSBEE.
CHAIRES VOLUNTEERS - ROGER PINHOLSTER, JOE PARKS AND ROBERT ROBERSON.
LEON COUNTY EMS - KIM MORGAN, MICHELLE FURSBERG AND CAPT. TERRY EVANS.

SEC#	PASS#	PASSENGER'S NAME	CURRENT ADDRESS	CITY	STATE	ZIP CODE	DATE OF BIRTH	RACE	SEX	LOC	INJ	S. EQUIP.	EJECT

Violator(s)	SECTION#	NAME OF VIOLATOR	FL STATUTE NUMBER	CHARGE	CITATION NUMBER
	SECTION#	NAME OF VIOLATOR	FL STATUTE NUMBER	CHARGE	CITATION NUMBER

WITNESS NAME (1)	CURRENT ADDRESS	CITY	STATE	ZIP CODE	WITNESS NAME (2)	CURRENT ADDRESS	CITY	STATE	ZIP CODE
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FIRST AID GIVEN BY - NAME MORGAN & FORSBERG	1 Physician or nurse 2 Paramedic or EMT 3 Police Officer 4. Certified 1st Aider 5 Other	INJURED TAKEN TO: T.M.H	BY - NAME MORGAN & FORBERG
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WAS INVESTIGATION MADE AT SCENE? 1. YES <input checked="" type="checkbox"/> 2. NO <input type="checkbox"/>	IF NO THEN WHERE?	IS INVESTIGATION COMPLETE? 1. YES <input checked="" type="checkbox"/> 2. NO <input type="checkbox"/>	IF NO, THEN WHY?	DATE OF REPORT 3/8/2009	PHOTOS TAKEN 1. YES <input checked="" type="checkbox"/> 2. NO <input type="checkbox"/>	IF YES BY WHOM? 1 INVESTIGATION AGENCY <input checked="" type="checkbox"/> 2 OTHER <input type="checkbox"/>
--	-------------------	--	------------------	----------------------------	--	---

INVESTIGATOR-RANK SIGNATURE FULLER, LEE	ID/RADGE NUMBER 280	DEPARTMENT LEON COUNTY SHERIFFS OFFICE	FHP <input type="checkbox"/> SO <input checked="" type="checkbox"/> PD <input type="checkbox"/> OTHER <input type="checkbox"/>
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Leon County Sheriff's Office
Sworn Witness Interview

I am Deputy Keith R Luce of the Leon County Sheriff's Office conducting a criminal investigation. This interview is being conducted at Roadside (b)(6) Road. Today's date is 3/8/2009. The time is 1817. Person's present at the interview are Sarah Reams. This sworn interview is being taken in reference to 09-053242.

At this time I will administer the oath.

OATH

This will be a sworn, tape recorded interview taken by a law enforcement officer pursuant to section 117.10, F.S. Please raise your right hand. Do you swear or affirm that the statement you are about to give will be the truth, the whole truth, and nothing but the truth?

Yes, I so swear or affirm K. Sarah Reams
(Signature of Witness)

- Please state your full name.
- Please state your current address.
- Please state your home phone number.
- Please state your work phone number.
- Please state your current occupation.

INTERVIEW

Time the interview concluded 1820 AM PM

CERTIFICATION

The undersigned Deputy acknowledges taking and being present during the foregoing interview. The interview was recorded on _____ media, burned to disc, marked and then placed into evidence.

Keith R Luce #440
(Signature of Deputy)

09-53242
(THI Case #)

STATE OF FLORIDA, COUNTY OF LEON

LCSO CASE # 09-53242

SWORN AFFIDAVIT

DATE: 3.8.09
 NAME: (b)(6) D.O.B.: (b)(6)
 ADDRESS: (b)(6) ZIP CODE: (b)(6)
 HOME PHONE: (b)(6) BUSINESS PHONE: _____

I do solemnly swear or affirm that the information given by me in this case is the truth, the whole truth, and nothing but the truth. I understand that making a material false statement under oath is a crime, a misdemeanor of the first degree, and punishable as provided under F.S. 837.012. I am willing to make this statement and I understand and know what I am doing. No promises or threats have been made to me and no pressure or coercion of any kind has been used against me.

~~we~~ we were driving by, and saw a fourwheeler flipped over on its side and a little boy laying on his stomach. my boyfriend ran to their house and tried to get someone and I called the police. the fourwheeler was not on and gas was leaking, and three people came running. and grab the boy. Someone on the phone told my boyfriend to do something to the boy, and he did. when the man ran down the first thing he did was move the fourwheeler away from the boy.

SWORN TO AND SUBSCRIBED BEFORE ME THIS 08 DAY OF MARCH 2009

FURBER, LEE J. 280 NOTARY PUBLIC/LAW ENFORCEMENT OFFICER
(b)(6) SIGNATURE OF AFFIANT

PERSONALLY KNOWN IDENTIFIED BY I.D. NUMBER/TYPE: _____

Leon County Sheriff's Office
Sworn Witness Interview

I am Deputy Keith R Luce of the Leon County Sheriff's Office conducting a criminal investigation. This interview is being conducted at Roadside (b)(6) Road . Today's date is 3/8/2009 . The time is 1835 . Person's present at the interview are Michelle Reams . This sworn interview is being taken in reference to 09-053242 .

At this time I will administer the oath.

OATH

This will be a sworn, tape recorded interview taken by a law enforcement officer pursuant to section 117.10, F.S. Please raise your right hand. Do you swear or affirm that the statement you are about to give will be the truth, the whole truth, and nothing but the truth?

Yes, I so swear or affirm

(b)(6)

(Signature of Witness)

- Please state your full name.
- Please state your current address.
- Please state your home phone number.
- Please state your work phone number.
- Please state your current occupation.

INTERVIEW

Time the interview concluded 1842 AM PM

CERTIFICATION

The undersigned Deputy acknowledges taking and being present during the foregoing interview. The interview was recorded on _____ media, burned to disc, marked and then placed into evidence.

Keith R Luce #448
(Signature of Deputy)

09-53242
(THI Case #)

STATE OF FLORIDA, COUNTY OF LEON

LCSO CASE # 09-53242

SWORN AFFIDAVIT

DATE: 03-08-09
 NAME: (b)(6) D.O.B.: (b)(6)
 ADDRESS: (b)(6) ZIP CODE: (b)(6)
 HOME PHONE: (b)(6) BUSINESS PHONE: _____

I do solemnly swear or affirm that the information given by me in this case is the truth, the whole truth, and nothing but the truth. I understand that making a material false statement under oath is a crime, a misdemeanor of the first degree, and punishable as provided under F.S. 837.012. I am willing to make this statement and I understand and know what I am doing. No promises or threats have been made to me and no pressure or coercion of any kind has been used against me.

We were just driving by and ~~so~~ looked over and saw the four wheeler and then a body and got out to check on him and saw he was hurt and then called the police

SWORN TO AND SUBSCRIBED BEFORE ME THIS 08 DAY OF March 2009

EVLEOR 188 L R 280
 NOTARY PUBLIC/LAW ENFORCEMENT OFFICER

(b)(6)
 SIGNATURE OF AFFIANT

PERSONALLY KNOWN IDENTIFIED BY I.D. NUMBER/TYPE: _____

Leon County Sheriff's Office
Sworn Witness Interview

I am Deputy Keith R Luce of the Leon County Sheriff's Office conducting a criminal investigation. This interview is being conducted at Roadside (b)(6) Road. Today's date is 3/8/2009. The time is 1848. Person's present at the interview are Walford Allister. This sworn interview is being taken in reference to 09-053242.

At this time I will administer the oath.

OATH

This will be a sworn, tape recorded interview taken by a law enforcement officer pursuant to section 117.10, F.S. Please raise your right hand. Do you swear or affirm that the statement you are about to give will be the truth, the whole truth, and nothing but the truth?

(b)(6)

Yes, I so swear or affirm

(Signature of Witness)

- Please state your full name.
- Please state your current address.
- Please state your home phone number.
- Please state your work phone number.
- Please state your current occupation.

INTERVIEW

Time the interview concluded 1903 AM PM

CERTIFICATION

The undersigned Deputy acknowledges taking and being present during the foregoing interview. The interview was recorded on _____ media, burned to disc, marked and then placed into evidence.

W R Luce 237
(Signature of Deputy)

(THI Case #)

STATE OF FLORIDA, COUNTY OF LEON

LCSO CASE # 09-53242

SWORN AFFIDAVIT

DATE: 03-08-09

NAME: WALFORD DORFIELD ALLISTER D.O.B.: 07-10-1955

ADDRESS: 12715 CAPITOLA Rd. ZIP CODE: 32317

HOME PHONE: 850-656-9226 BUSINESS PHONE: 850-363-8436

I do solemnly swear or affirm that the information given by me in this case is the truth, the whole truth, and nothing but the truth. I understand that making a material false statement under oath is a crime, a misdemeanor of the first degree, and punishable as provided under F.S. 837.012. I am willing to make this statement and I understand and know what I am doing. No promises or threats have been made to me and no pressure or coercion of any kind has been used against me.

I was in the field with Mr. Harman and his brother when I noticed someone waving both hands in the air trying to get our attention. I ran towards the figure looking my eyes with my hands I heard the words the baby boy on the pin-wheeler is hurt. I then turned to Mr. Harman and told him that Justin was hurt. Justin had left us some minutes before maybe ten or fifteen minutes (that may not be accurate). On coming up the dirt road from the field I saw Justin's pin-wheeler lying on the left side in the middle of the road. Justin was lying face down his feet were towards the front of the vehicle and his head towards the back his face was turned away from the vehicle. His left hand was palm up with his fingers half way closed. I noticed deceleration at the back of his neck his mouth was slightly open. Mr. Harman his father

SWORN TO AND SUBSCRIBED BEFORE ME THIS 08th DAY OF March 2009

Jeffrey C. Poole #304
NOTARY PUBLIC/LAW ENFORCEMENT OFFICER

Walford Allister
SIGNATURE OF AFFIANT

PERSONALLY KNOWN IDENTIFIED BY I.D. NUMBER/TYPE: _____

SWORN AFFIDAVIT

DATE: _____ CASE # _____ PAGE # _____

came and knelt by his side and started rubbing him on the back in a tender fatherly way repeating over and over just in baby please get up don't leave me. When paramedics with grief he found him alive and started blowing air into his mouth. His uncle (Mr. Harrison's brother) then assisted by pumping the bag. Clear. At this time the gentleman who had come to call us was on his cellphone with 911 (I guess). About this time I assisted the uncle in placing on bags chest. Then the gentleman who had informed us of the accident after receiving instructions from 911 tried mouth to mouth but nothing seemed to be working. The paramedics arrived and took it from there.

NOTARY PUBLIC/LAW ENFORCEMENT OFFICER

SIGNATURE OF AFFIANT

Supplement Report

On March 8, 2009, at approximately 1800 hours, I was contacted by Sergeant Lonnie Seay and asked to respond to a fatal crash off of Capitola Road.

Upon my arrival, I made contact with Deputy Chris Poole and Deputy Lee Fuller. Deputy Poole advised that a four wheeler was found flipped over with a black male juvenile lying face down on the property located at (b)(6). A vehicle passing by saw the ATV on its side and a person on the ground. The vehicle returned to the scene to check on the person. The vehicle was occupied by Fidencio Vazquez, Sarah Reams, and Michelle Reams. Deputy Poole had obtained written sworn statements from (b)(6). Mr. (b)(6) stated he could not read or write.

Sergeant Seay requested that I conducted taped interviews with all the subjects. I then conducted interviews with (b)(6) roadside.

On March 8, 2009, at approximately 1806 hours, I conducted a sworn taped interview with Mr. (b)(6). Mr. (b)(6) advised the following: He was traveling east on (b)(6) Road going to Lloyd. In the vehicle with him were (b)(6). As they were driving on (b)(6) Road he noticed an ATV turned over and someone on the ground in the area of (b)(6). They turned around and went back to check on him. All three people exited the vehicle to check on the person. Upon approaching, he saw that it was a small boy lying face down with his head turned to the right. The ATV was on its left side with the front facing (b)(6). The boy's feet were in the direction of (b)(6). He approached the boy and placed his hand on his back and lightly shook him asking him if he was okay. He received no response from the boy. He then told the girls to stay with the boy while he ran down the dirt road to get assistance. He then ran down the dirt road and saw some men working in the field. He began waving his hands and whistling to gain their attention. Once the men saw him they came to his location and he advised them of the incident. Everyone then responded back to the scene. A man wearing a red shirt rolled the ATV back onto all four wheels. Mr. (b)(6) believes the man in the red shirt was the uncle. The uncle and another man he referred to as the father turned the boy over onto his back. Someone had called 911 but did not know the location to provide them. Mr. (b)(6) then got on the phone and gave directions. He was then instructed to perform CPR. He began doing rescue breathing while someone else did the compressions. He continued until the fire department arrived on scene. Mr. (b)(6) advised that the young man was not wearing a helmet, had a scratch at the base of his neck, and a little blood on his lower lip. The interview was concluded at 1813 hours.

On March 8, 2009, at approximately 1817 hours, I conducted a sworn taped interview with Ms. (b)(6). Ms. (b)(6) advised the following: She was traveling east on (b)(6) with Mr. (b)(6). As they were driving on (b)(6) Road they noticed an ATV turned over and someone on the ground in the area of (b)(6) Road. They turned around and went back to check on him. Ms. (b)(6) and Mr. (b)(6) went to check on the young man while Ms. (b)(6) stayed with her

Case Number 09-053242
HSMV 62799 (1-89)

Supplement Report

children and the vehicle. Upon approaching, she saw a boy on the ground with a four wheeler on its left side. Mr. (b)(6) then ran down the road to get help. She stayed with the boy to see if his condition changed. Mr. (b)(6) then returned to scene. Three people were following him to the scene. The man in the red shirt turned the ATV back upright. Mr. (b)(6) then got on the phone with 911 to give directions to the scene. The man in the red shirt also rolled the boy over. The red shirt man and another man (father) were tending to the young man. The father was "freaking out" praying. Mr. (b)(6) gave the phone to Ms. (b)(6) and began to do rescue breathing. She observed a small amount of blood on the boys lip, a swollen neck, and a swollen tongue. The interview was concluded at 1828 hours.

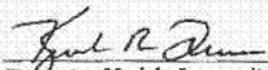
On March 8, 2009, at approximately 1833 hours, I conducted a sworn taped interview with Ms. (b)(6) advised the following: Mr. (b)(6) was driving east on (b)(4) Road. While driving he saw a turned over ATV with someone on the ground. He turned around to go back on check on the person. When he arrived, Mr. (b)(6) got out of the vehicle and ran to the ATV. The ATV was on its left side and the boy was lying face down. Mr. (b)(6) checked on the boy, but got no response. He then ran down the road to get help. Ms. (b)(6) called 911. A man in a white truck arrived and then two other men arrived shortly thereafter. The man in the white truck (red shirt) turned the ATV upright. She then gave the phone to Mr. (b)(6) so he could provide directions to the scene. The men who had arrived rolled the boy over and began checking the boy. The father began doing CPR. Mr. (b)(6) then began assisting with CPR. Ms. (b)(6) then returned to her vehicle to be with her children. Ms. (b)(6) observed blood on the back of the boy's neck and did not see a helmet anywhere. The investigation was concluded at 1842 hours.

On March 8, 2009, at approximately 1848 hours, I began a sworn taped interview with Walford Allister. At 1850 hours the interview was stopped, at which time I was told that Deputy Tony Leon was taking over the interview.

I then took pictures of the scene for scene mapping with photogrammetry.

On March 10, 2009, it was determined, that due to the lack of ambient light on scene on March 8, 2009, that the photos taken would not be useable for photogrammetry.

On March 17, 2009, I responded back to the scene to assist with laser mapping.


 Deputy Keith Luce #448

Case Number 09-053242
 HSMV 62799 (1-89)

Investigative Report

On Sunday afternoon, March 8, 2009, the Leon County Sheriff's Office received information that Marion "Justin" Harmon, Jr., (11yoa) had crashed a 2003 Honda Rancher ES ATV at 12715 Capitola Road.

I responded to the crash and coordinated the Traffic Homicide Unit investigation members: Deputy Tony Leon, Deputy John Kellerman, Deputy Keith Luce and Deputy David Farcas. Deputy Leon was assigned as the lead investigator. Deputy Kellerman was assigned to process evidence. Deputy Luce conducted the witness interviews and Photogrammetry. Deputy Farcas responded to Tallahassee Memorial Hospital.

While on scene I assisted by photographing the scene. I started the photographs from the entrance of the reported incident location and moved forward through the scene in an easterly direction. The scene is described as follows:

The traffic crash reconstruction revealed that (b)(6) was riding the ATV on his parents' farm. (b)(6) was riding the ATV on the perimeter of the property. (b)(6) left the private dirt driveway, traveling onto the north shoulder where he struck a portion of a discarded electrical pole that had been converted for use as a fence post. (b)(6) died as a result of this crash. (b)(6) was not wearing a helmet at the time of the crash.

Sgt. [Signature]
3-12-09

Case Number 09-53242

1

HSMV 62702 (1-89)

Supplement

On 03/08/2009 I was contacted by Sgt. Seay in reference to a Traffic Homicide Investigation. Sgt. Seay advised me I needed to respond to Tallahassee Memorial Healthcare and make contact with a (b)(6) approximately 12 year old child.

Upon arrival at TMH ER I met with EMS crew members Morgan and Forsberg. They advised me during transport the subject remained in asytle with ACLC procedures being preformed. They placed the subject in ER room 21. I made contact with Deputy John Simpson #542 who was maintaining the body prior to my arrival. The child was identified as (b)(6) Nurse Monica Murphy took care of (b)(6) She advised (b)(6) arrived by Leon County EMS with ALCS procedures being conducted. Dr. Ho who was the ER Doctor and Dr. Crooms was the trauma surgeon, they advised when (b)(6) arrived he was in asytle and had no signs of life. Dr. Ho pronounced the time of death at 1823 hours. No x-ray or CT was done.

I then conducted an inspection of the body. I took photos of the body, as I took photos of the body I noted the following injuries. (b)(6) had minor abrasions to his right cheek area, chin, and petechiae hemorrhaging to both eye lids. I also noted a mild deformity to the right side of his neck, which had a c-collar properly placed. (b)(6) also had some mild distention to the abdomen. The distention was possible due to EMS using a bag valve mask on (b)(6) during his transport to the hospital. No other injuries were noted. After I completed the photos of (b)(6) his clothing and shoes were seized by Deputy John Simpson and later placed into evidence at the Leon County Sheriff's Office. The media card containing the photos was also placed in evidence.

I made contact with family who was present in the emergency room waiting room. (b)(6) father Mr. (b)(6) advised me of the following: He said they had transported some farm equipment out to their farm around 1400 hours and while they were unloading (b)(6) was riding his 4-wheeler. While they were unloading some subjects started yelling at him from the roadway. Saying there was an accident. Mr. (b)(6) said he ran over and saw his son lying on the ground. He tried to do CPR on him until EMS arrived.

I asked Mr. (b)(6) if (b)(6) was wearing a helmet at the time of the accident and he said no. (b)(6) does not ride with a helmet on. I asked Mr. (b)(6) how long (b)(6) has been riding the 4-wheeler and he said over 2 years. Mr. (b)(6) said they had been having a good day with no complaints. (b)(6) had been riding the 4-wheeler for most of the day.

I completed the investigation and escorted the body to the morgue and turned it over to TMH Security (Mr. Atteberry) at 2111 hours. The body was sealed in a body bag and photographed. Nursing supervisor Ms. Lizbeth Gordon with TMH was also made aware. Family had not chosen a funeral home at this time.

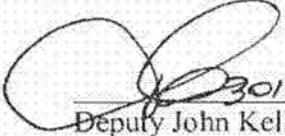

Deputy David Farcas #371

Case Number 09-53242
HSMV 62799 (1-89)

Supplement Report

On Sunday March 8, 2009, I responded to the area of (b)(6) Road to assist Deputy Leon on a traffic homicide investigation. I took a video recording of the scene including the location of the ATV and the area surrounding it. I then assisted Sgt. Seay in photographing the scene. Deputy Leon and I then took the drag factor of the driveway. We then set the markers for photogametry. After the scene was photographed Parkway Wrecker Service loaded the ATV onto their truck and I followed it to their yard where it was placed in dry secure storage.

On Monday March 9, 2009 I assisted Deputy Leon by entering the fatality in DAVID and getting the scene photos printed. We then conducted a post crash inspection of the ATV at Parkway Wrecker Service.



Deputy John Kellerman #301

Investigative Report

IDENTIFICATION

This crash occurred on Sunday, 08 March 2009, at or about 1727 hrs. in the County of Leon, State of Florida, off of (b)(6) Road, on private property (drive way). This property is not in the Incorporated City Limits of Tallahassee. This was a single vehicle (ATV) crash with a fatality.

WEATHER

This crash occurred during the day hours with no artificial lighting source at 1727 hrs. The temperature was 77 degrees Fahrenheit and the relative humidity was 42%. The wind was blowing south southwest at 11.5 M.P.H, with 10 miles of visibility. The sky was partly cloudy with the barometric pressure being 30.17". Ms. Melissa Griffin, of the Florida Climate Center, provided this information from the Center for Ocean-Atmospheric Prediction Studies.

HIGHWAY

This is a dirt driveway for a farm, which begins off the eastside of Capitola Road. The driveway leads to where the farm animals are kept. The drag sled was pulled by Dep. John Kellerman, the weight of the sled was 35lbs at about 1845hrs. It took 19 lbs of force to pull the sled, therefore the coefficient of friction was .54

VEHICLE, V-1

Vehicle 1 is a 2003 Honda Ranger ES all terrain vehicle, with the VIN of (b)(6). There is no tag assigned to the vehicle. The vehicle has an automatic transmission and four wheel disc brakes.

VEHICLE, V-1 PASSENGER

Vehicle 1 driver was identified by his father, as (b)(6) D.O.B. (b)(6). He was a ten-year old black male. His address is (b)(6) Dr. which is in the incorporated City of Tallahassee, Fl. due to his age, he did not have a Florida Drivers License. He was transported to the Tallahassee Memorial Hospital by the Leon County Emergency Medical Service, where he was pronounced deceased at 1823 hrs. by the attending physician Dr. Ho.

BACKGROUND

According to witness Mr. (b)(6) Jr. arrived on the property along with his father Mr. (b)(6) at about 1400 hrs. They were unloading farming equipment while Harmon Jr. was riding the ATV. Mr. (b)(6) said he observed (b)(6) Jr. riding the perimeter of the property traveling in a counter-clockwise direction, when he last saw him. Mr. (b)(6) didn't observe

Investigative Report

the crash occur, and has no idea as to the direction of travel prior to the crash. Mr. (b)(6) said (b)(6) Jr. was only out of sight for about 2-3 minutes prior to him being flagged down by Mr. (b)(6) reference the crash.

CRASH ANALYSIS

I determined from the witness statements and evidence on scene, that (b)(6) (b)(6) Jr. was riding an ATV on his family's property, when he lost control of the ATV, and crashed into a cut off power pole, which was lying on the ground. The impact between the power pole and the left front tire of the ATV, ejected (b)(6) Jr. from the ATV and caused it to rollover onto its left side. (b)(6) Jr. came to final rest about 5ft from the ATV laying face down, with his feet toward the front of the ATV, his head facing toward the back with his face turned slightly to the right side in the sand.

INVESTIGATION

I was notified of an ATV crash with one fatality by Sgt. Lonnie Seay. Upon arriving on scene, I observed several Sheriff's Office and Tallahassee Fire Department vehicles on scene. There was a green ATV facing Northeast in the middle of the dirt driveway on all four wheels. The victim had been transported to the Tallahassee Memorial Hospital, where he had been pronounced deceased by the attending physician, Dr. Ho. There were no visible tracks left by the ATV. Such tracks had been run over by the arriving first responders. Dep. Kellerman photographed the ATV. The ATV had no visible damage. Sgt. Seay photographed the scene and Dep. Keith Luce took photos for the photogrammetry program.

On the 8th of March 2009, Dep. Luce interviewed (b)(6) (b)(6) I interviewed Mr. (b)(6) These interviews were conducted while on scene using a digital voice recorder. The (b)(6) and Mr. (b)(6) also provided written statements, which are attached to this report.

On the 9th of March 2009, Dep. Kellerman and I responded to Parkway Wrecker Service, where we conducted post-crash photos and measurements of the ATV.

On the 10th of March 2009, Sgt. Seay and I responded to the Tallahassee Memorial Hospital morgue, where we observed the autopsy of (b)(6) Jr. The autopsy was conducted by medical examiner Dr. Anthony Clark. Dr. Clark stated that Mr. (b)(6) Jr. died as the result of trauma to his cervical spine. He stated that C2 & C3 cervical vertebrates were separated by about ¾ inch gap, exposing the spinal cord which was also severely damaged. Dr. Clark stated in his professional opinion a helmet would not have made a difference whether (b)(6) Jr. would have died or not, due to the impact being so forceful. I photographed the injuries as pointed out by Dr. Ho.

Investigative Report

On the 13th March 2009 the ATV was transported to the Leon County Sheriff's Office impound yard, where it will be stored until the State Attorney releases it to the owner.

On the 23rd March 2009 the Florida Death Certificate was attached to this report.

INVESTIGATIVE SUMMARY

While determining the cause of this crash, certain possible influences can be eliminated as having any affect. The weather was clear with 10 miles of visibility. The wind was blowing south southwest at 11.5 M.P.H. There appeared to be no contributing causes by the environment, such as inclement weather. The vehicle appeared to be in good working order pre-crash and absent of any mechanical failure that may have contributed to the crash. I was able to determine by physical evidence and witness statements, the ATV was being operated by (b)(6) (b)(6) Jr., a ten-year-old black male. He was familiar with the ATV and the property he was riding on.

Evidence suggest that he was traveling Northbound on a dirt trail and was making a right hand turn onto the dirt driveway, when the left front tire on the ATV crashed into the flat-end of a cut-off power pole. The power pole was lying on the ground where the turn straightens out. Evidence indicates the power pole was laying there on the ground for a long period of time. Approximately 2 inches or more of the power pole was under the top layer of sand. After impact the ATV came to final rest on its left side facing toward (b)(6) Road. (b)(6) Jr. was thrown from the ATV onto the ground, about 5 feet east of the ATV where he laid unconscious until he was noticed by a passing motorist. The motorists were identified as Ms. (b)(6) They were passing by in a vehicle when they saw an ATV on its side and person lying beside it.

Their statements indicate they ran to the person lying on the ground and asked the person if he was ok and received no response. Ms. (b)(6) said that's when she called 911 for assistance. Mr. (b)(6) said that he put his ear down onto the chest of (b)(6) Jr. and didn't hear a heartbeat. Mr. (b)(6) stated he observed some adults in the field near the crash so he ran to them and told them the boy had crashed the ATV and was lying on the ground. Mr. (b)(6) Sr., his brother, Mr. (b)(6) and farm hand, Mr. (b)(6) were the adults in the field. They responded to the entrance of the property where the crash had occurred and started CPR on (b)(6) Jr. When the fire department arrived on scene, they took over care for (b)(6) Jr. until Leon County EMS arrived on scene who then took over care for (b)(6) Jr. He was placed inside the ambulance and transported to Tallahassee Memorial Hospital emergency room where he was pronounced deceased at 1823 hours by the attending physician Dr. Ho.

Case Number 09-53242

5

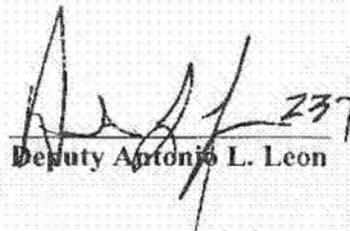
HSMV 62702 (1-89)

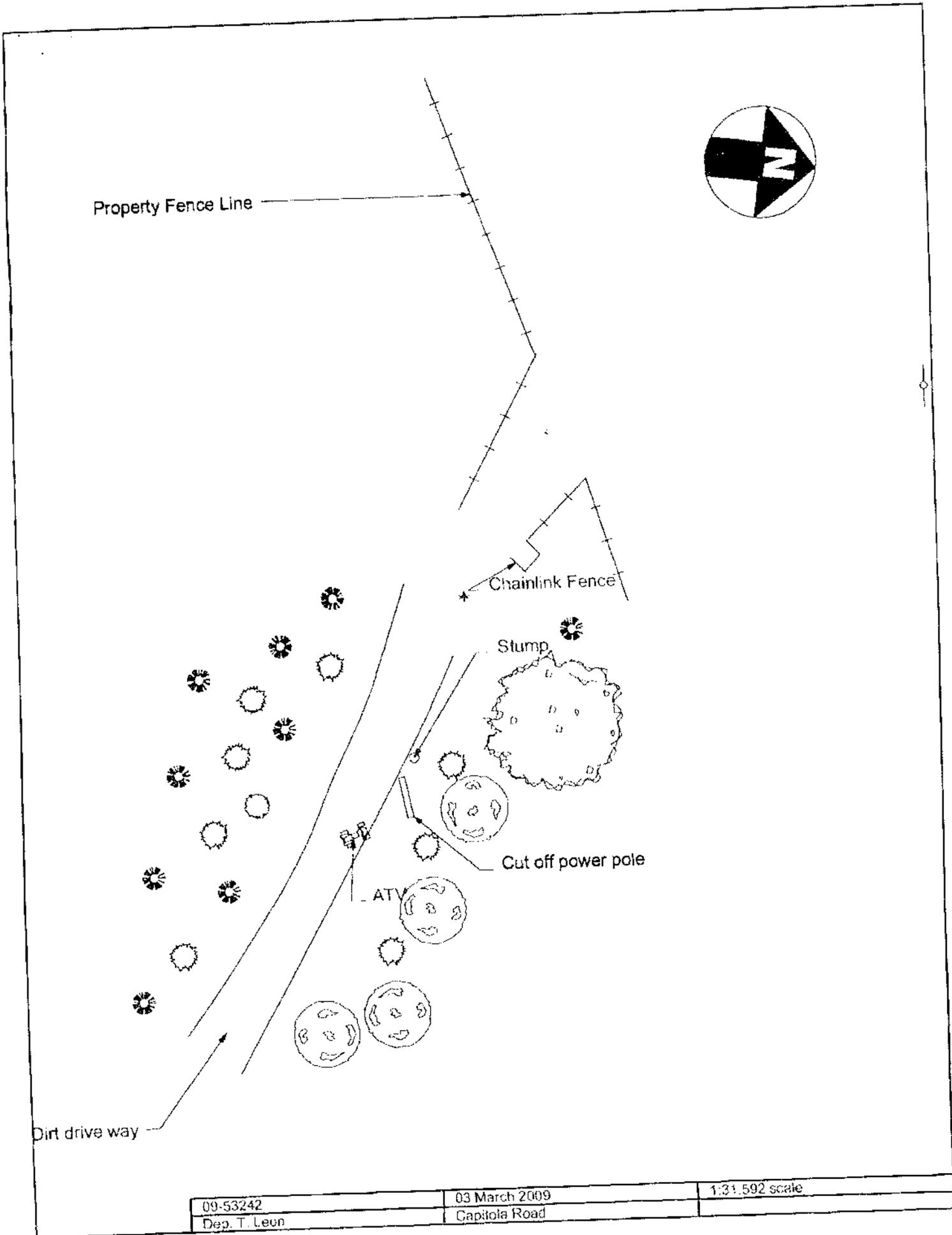
Investigative Report

I attended the autopsy of (b)(6) Jr. When the bodybag was opened, I observed where surgeons had opened his chest cavity and removed his heart. Mr. (b)(6) Sr. had donated (b)(6) Jr.'s heart valves for other medical uses. The body was inspected and photographed by myself and the medical examiner Dr. Clark. The only visible signs of injury were to (b)(6) Jr.'s right cheek, left side neck area and petechiae hemorrhaging to both eye lids. There were no broken bones to his arms or legs.

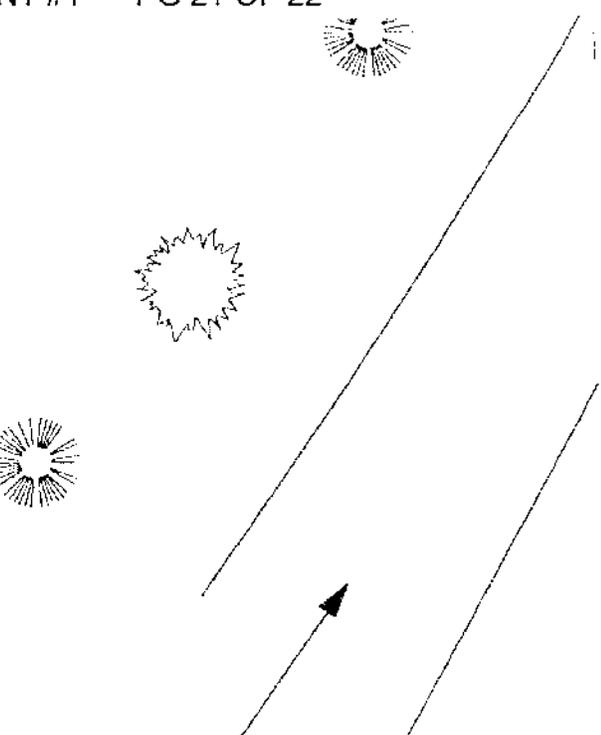
During the autopsy Dr. Clark discovered that C2 & C3 vertebrates were separated, by a $\frac{3}{4}$ to a 1" gap, which was exposing a severely damaged spinal cord. Dr. Clark said that in his professional opinion Harmon Jr. died during impact with the ground and a helmet would not have prevented his death. There were no other injuries present that would have caused his death.

This case will now be turned over to the State Attorney's Office to determine if any charges are applicable or practical.

 237
Deputy Antonio L. Leon



Dirt drive way



09-53242
Dep. T. Le

PROPERTY RECEIPT

Leon County Sheriff's Office
Tallahassee, Florida

Case #: 09 053242
Vault #: RECEIVED RECORDS

ACE #
(For use by Evidence Section only)

Victim: (b)(6) Owner: _____
Date: 3/8/09 Time: 2:00 Offense: TH/ 21 24 P 12:51
Address of Occurrence: (b)(6)
Owner's Address: Stone Phone No.: (b)(6)

Suspect Name: _____ Race: _____ Sex: _____ DOB: _____ Arrested: Yes No
Suspect Name: _____ Race: _____ Sex: _____ DOB: _____ Arrested: Yes No

Found Property Recovered Stolen May be released to: _____ Authority of: _____
 Abandoned Property Hold for other agency Items being released at the scene: _____
 Impounded Evidence Released at the scene to: _____
 Property of Deceased Court Ordered hold on property Date & Time released: _____

Wrecker Company: PALICONS NADA Phone #: _____
Tow / Storage address: 252 CROSSWAY RD
Tow truck driver: TERRY HODGES
Vehicle Make / Model / Year / Color: HONDA / Rancher / 2003 / brown
Tag #: _____ VIN: (b)(6)
Vehicle HOLD for: _____ Other Agency Name & Case #: _____
 Proof of ownership _____
 Processing _____
 Forfeiture _____
 Evidence _____
Vehicle Owner Notification Date: _____ Time Notified: _____
Notified by: _____
 In Person Telephone Mail Other: _____

Item Number	Process For Prints	Full Description of Item including serial numbers	Lab Processing By Date Processed
1		Honda Rancher ES (b)(6)	

Person seized from: Scene Signature of seizing Deputy: [Signature]
I hereby acknowledge this property list represents all property taken from my possession and that I have received a copy of this receipt. Printed Name of Deputy: John Kelleher
Turned Over to: Terry Hodges Date & Time: 3/8/09 2:02 Placed into Evidence Drop box by: _____ Date & Time: _____

WHITE: Turn in to Evidence Custodian
YELLOW: Turn in to Evidence Custodian
PINK: Accompanies Offense Report
GOLD: Person seized from if applicable

DISTRICT TWO

OFFICE OF THE MEDICAL EXAMINER

1899 Eider Court • P. O. Box 14389 • Tallahassee, FL 32317 • Phone 850-942-7473 • Fax 850-877-0384

David T. Stewart, M.D., *Medical Examiner*
John P. Mahoney, M.D., *Associate*
Stephen L. Sgan, M.D., *Associate*
Lisa M. Flannagan, M.D., *Associate*
Anthony J. Clark, M.D., *Associate*

CASE NO.
09M-082

DECEASED

(b)(6)

STATE ATTORNEY
William N. Meggs

RACE SEX AGE
Black Male 10

COUNTY DEATH OCCURRED
Leon

DATE OF DEATH
March 8, 2009

INVESTIGATING AGENCY
Leon County Sheriff's Office

DATE & TIME OF AUTOPSY
March 10, 2009 at 0923 hours

IN ATTENDANCE
Deputy Tony Leon and Sgt. Lonnie Seay

PATHOLOGIST
Anthony J. Clark, M.D. ✓

(CORRECTED REPORT - MIDDLE NAME OF DECEASED)

PATHOLOGIC DIAGNOSES:

- I. Blunt-force trauma.
 - A. Fracture dislocation of the neck at C2-C3 with injury to the underlying spinal cord.
 - B. Brush-burn abrasions of the right side of the face.
 - C. Bilateral periorbital and conjunctival petechiae.
 - D. Minor abrasions and lacerations of the lower lip.
 - E. Minor contusions on the posterior left deltoid and dorsal left hand.
- II. Negative blood toxicology (see complete toxicology report).

CAUSE OF DEATH: Blunt-force neck trauma.

AUTOPSY REPORT

(b)(6)

09M-082

IDENTIFICATION:

Tied to the zipper pull of the white body bag is a handwritten white card with the name "Marion Harmon Jr". Typed white labels are adhered to the outside of the bag with the name "Trauma, Uniform". Encircling the right brachium is a green "Southeast Tissue Association" band with the numbers "94535". Adhered to the right wrist is a white tag with the information "donor identification photo "UT09C009". Encircling the right wrist is a laminated white identification bracelet with the name "Trauma, Uniform".

EXTERNAL EXAMINATION:

This is the body of a well-nourished, well-developed, African American juvenile male who as received measures 53.0 inches in length and weighs ~70 lbs. In general, the decedent appears compatible with the stated age of 10 years.

The decedent is received in an unsealed, labeled, and zippered white body bag and is accompanied by a blanket.

No articles of clothing and/or personal effects are received with the body at the autopsy.

EVIDENCE OF MEDICAL INTERVENTION AND POSTMORTEM TISSUE HARVESTING:

1. A yellow/gray rigid cervical collar is around the neck but is not fastened together.
2. Two separate 0.1 needle punctures are identified in the left supraclavicular region.
3. A postmortem "V" shaped surgical incision extends from the bilateral deltoids to the xyphoid process.
4. EKG pads are scattered over the anterior torso.
5. Defibrillator pads are located on the anterior and anterior lateral left chest wall.
6. A heplock intravenous catheter exits the right antecubital fossa and is secured with tape.
7. A heplock intravenous catheter exits the left antecubital fossa and is secured with tape.
8. A pulse oximeter monitoring pad is adhered to the left middle finger.

POSTMORTEM CHANGES:

Rigor mortis is generalized and full. Diffuse fixed, violaceous livor mortis extends over the posterior surfaces of the body except in areas of pressure. The eyelids are closed; the corneas are slightly opaque. Diffuse greening of the abdomen is observed. The body is palpably cool to the touch following refrigeration.

ALL INJURIES WILL BE DESCRIBED UNDER "EVIDENCE OF INJURY"!

AUTOPSY REPORT

(b)(6)

09M-082

The head is normocephalic. The scalp hair is light brown, tightly curled and of short length. The irides are brown; the pupils are slightly ovoid. The conjunctivae exhibit a modestly dense deposition of fine petechiae. The nose and ears are normally formed and set. The nasal vestibules are free of debris and foreign material. The oral mucous membranes are red/purple, moist, the frenula are intact and a scattering of fine petechiae are observed. The teeth are natural and in good repair. The tongue is normally sized and shaped. Dirt and dead vegetative debris are noted within the oral cavity.

Distortion and great mobility of the neck is appreciated upon observation and palpation. Further description of the trauma will be described below. The larynx is within the midline.

The chest and back are well-formed, symmetrical, and atraumatic. The nipples are void of lesions or discharges.

The abdomen is slightly protuberant and tympanitic. No masses are observed. No organomegaly is appreciated on palpation.

The penis is circumcised. The testes are bilaterally descended within the scrotum. No lesions or trauma of the perineum and anus are observed.

The upper and lower extremities are well-formed, symmetrical, and without absence of digits. The fingernails are trimmed within 0.1 cm to the fingernail beds. The soles of the feet are mildly calloused.

IDENTIFYING SCARS/MARKS:

1. Superior to the right knee is an oblique 2.1 x 0.2 cm well healed linear scar associated with surrounding ovoid 2.4 x 2.0 cm area of hyperpigmentation.
2. Superior and lateral to the left knee is a 1.5 cm geographic well healed scar.
3. On the inferior lateral left knee is 2.7 x 2.0 cm area of hyperpigmentation.

EVIDENCE OF INJURY:

All measurements and orientations are made with the body in standard anatomic position.

BLUNT-FORCE INJURIES OF THE HEAD/NECK: Bilateral periorbital petechiae are observed and are more densely deposited on the left side. On the left side, the petechiae do extend on to the left forehead and the left maxilla. The inner surface of the

AUTOPSY REPORT

(b)(6)

09M-082

lower lip exhibits partial thickness lacerations and abrasions with contusions. On the right maxilla are geographic areas of yellow/brown to red/brown abrasions. The anterior lateral right chin exhibits red/brown superficial abrasions. Along the right mandible and parotid area are geographic green/blue contusions.

The posterior neck displays red/black abraded contusions that essentially extend from the posterior right neck to the posterior lateral left neck. Manipulation of the neck reveals great mobility and edema as previously described.

The scalp is reflected to reveal a large area of full thickness scalp contusions in the posterior left mastoidal region which involves the underlying neck strap muscles. Upon removal of the calvarium bands of subarachnoid hemorrhage are noted on the bilateral parietal lobes. The base of the brain is covered by subdural hemorrhage with associate subarachnoid hemorrhage. The cerebral ventricles are filled with liquid blood. A large amount of blood is noted within the upper cervical spinal column. Further examination reveals a marked softening of the cervical spinal cord ~ 4.3 cm distal to the inferior portion of the pons and prominent hemorrhage.

Examination of the neck reveals massive paracervical soft tissue hemorrhage, most prominently on the posterior and right lateral surfaces. A fracture dislocation between C2 and C3 has resulted in this hemorrhage and the injuries to the underlying spinal cord as previously described. The hyoid bone, larynx and great vessels are intact.

OTHER BLUNT-FORCE INJURIES: The posterior left deltoid demonstrates a blue hematoma. The dorsal aspect of the left hand over the third to fourth metacarpals demonstrates a large blue hematoma. The proximal anterior lateral right thigh demonstrates a small ovoid green/blue contusion.

INTERNAL EXAMINATION:

BODY CAVITIES: The following excludes the above-described findings. The serosal cavities where not previously injured by postmortem harvesting, are smooth and glistening. The bilateral hemithoraces contain a large amount of liquid blood. The heart and arch of the aorta have been postmortemly harvested. Otherwise all body organs are in their normal anatomic positions. No unusual odors, atypical colors, or significant decomposition are detected.

HEAD (CENTRAL NERVOUS SYSTEM): The brain weighs 1235 grams. Serial sections through the cerebral hemispheres, brainstem and cerebellum do not reveal any intrinsic pathologic lesions.

AUTOPSY REPORT

(b)(6)

09M-082

CARDIOVASCULAR SYSTEM: The heart and the arch of the aorta have been harvested. The rest of the aorta and the major branches arise normally, follow the usual course and are free of significant atherosclerosis or other lesions. The vena cavae follow the usual course and are unremarkable.

RESPIRATORY SYSTEM: The left and right lungs weigh 225 and 285 grams, respectively. Both lungs are collapsed. The upper and lower airways contain a modest accumulation of frothy serosanguineous fluid; the mucosa is diffusely erythematous and congested. No ulcerations or tumors are observed. The visceral pleural surfaces are smooth and glistening. The pulmonary parenchyma is modeled red/pink to red/purple and exuding moderate amounts of frothy, serosanguineous fluid; no intrinsic pathologic lesions are identified. The pulmonary arteries are opened in situ, are normally developed and patent, and are free of premortem thromboemboli.

HEPATOBIILIARY SYSTEM: The liver weighs 875 grams and the hepatic edge is sharp. The hepatic capsule is smooth, glistening, and intact covering red/brown, firm parenchyma; no focal lesions are identified. The gallbladder is present and contains 5 cc of green, viscous bile; the mucosa is velvety and unremarkable. The extrahepatic biliary tree is widely patent, without evidence of calculi.

ALIMENTARY TRACT: The tongue is bisected and free of lesions and trauma. The esophagus is lined by gray/white, smooth mucosa. The stomach is arranged in the usual rugal folds and the lumen contains 30cc of a thick green/brown fluid mixed with food material. The small and large intestines are unremarkable on inspection and palpation. The appendix is present. The pancreas has its normal tan, lobulated appearance and the ducts are clear.

GENITOURINARY TRACT: The left and right kidneys weigh 65 and 60 grams, respectively. The renal capsules are smooth, thin, semi-transparent, and strip with ease from the underlying red/brown, firm cortical surfaces. The cortices are of normal width and are sharply delineated from the medullary pyramids. The calyces, pelves, and ureters are not dilated or distorted. The urinary bladder is empty; the mucosa is gray/brown and unremarkable. The prostate is normal. The testes are bisected and exhibit homogenously tan parenchyma without evidence of trauma or lesions.

RETICULOENDOTHELIAL SYSTEM: The spleen weighs 55 grams and has a smooth, intact capsule covering red/purple, moderately firm parenchyma; the lymphoid follicles are easily distinguished.

ENDOCRINE SYSTEM: The pituitary, thyroid, and adrenal glands are of normal shape, size, color, and consistency.

AUTOPSY REPORT

(b)(6)

09M-082

MUSCULOSKELETAL SYSTEM: The bony skeleton is well-formed, symmetrical, and without deformities. The musculature is well-developed. The diaphragm is intact and in proper position.

OTHER PROCEDURES:

1. Vitreous humor, right chest blood, central blood (obtained by SETA) and bile are submitted for comprehensive drug screening and volatile analysis.
2. Documentary and identification photographs are obtained.
3. A bloodstained FTA card (x1) is collected and retained.
4. Multiple tissue cassettes are submitted for histology.

CASSETTE SUMMARY:

- A. Right and left lungs; liver; spleen.
- B. Right and left kidneys; pancreas; adrenal gland.
- C. Hippocampus.
- D. Thyroid gland.
- E-H. Cardia slides from CryoLife.

MICROSCOPIC DESCRIPTIONS:

ADRENAL GLAND: No histopathologic abnormalities.

BRAIN: No histopathologic abnormalities.

HEART (4 H&E glass slides from CryoLife case # H09-0449 Donor 100723):

No histopathologic abnormalities (see complete cardiac pathology report from CryoLife).

KIDNEYS: No histopathologic abnormalities; no polarizable foreign material.

LIVER: No histopathologic abnormalities.

LUNGS: No histopathologic abnormalities; no polarizable foreign material.

PANCREAS: No histopathologic abnormalities.

AUTOPSY REPORT

HARMON, Jr., Marion Goode
09M-082

SPLEEN:
abnormalities.

No histopathologic

THYROID GLAND:
abnormalities; focal subcapsular hemorrhage.

No histopathologic

TOXICOLOGY:
comprehensive drug screens on blood and bile are negative.

Volatile analyses and



Anthony J. Clark, M.D.
Associate Medical Examiner

AJC/trp/ajc/lcb
Completed: April 16, 2009
Corrected: May 11, 2009

090309HNE4240

ATTACHMENT #4

Contact Sheet

Contacted on 03/16/09
Leon County Sheriff
2825 Municipal Way
Tallahassee, FL. 32304
850-922-3317

Contacted on 03/16/09
Florida District M.E.
P.O. Box 14389
Tallahassee, FL. 32317
850-942-7473

Task Number: 090309HNE4240

Date: 05/28/09

Status of Missing Document(s)

The official records below were requested for this investigation report, but could not be obtained.

1. Photos

2. _____

3. _____

4. _____

Date: 05/28/09

Investigator No. 8942

Regional Office: CFIE

Supervisor No. 9083

Task Number 090309HNE4240

INTERVIEWER: When the response to a particular question is unknown, please leave blank.

Type of respondent: Police Department

Other, specify:

1. What type of vehicle was involved in the incident? (If vehicle is not an ATV, or if ATV has more than 4 wheels, politely thank respondent for her/his cooperation and terminate interview).

- | | |
|---------------------------------------|---------------------|
| 1 - 3 wheeled ATV | 7 - Utility Vehicle |
| 2 - 4 wheeled ATV | 8 - Other Vehicle |
| 3 - ATV with unknown number of wheels | 0 - Unknown |
| 4 - 2 wheeled motorcycle | |
| 5 - Dune Buggy | |
| 6 - ATV with more than 4 wheels | |

2. What is the manufacturer/brand name of the ATV(s) involved in the incident? If more than two ATVs, use an additional sheet.

ATV #1

ATV #2

Manufacturer: 01 - Honda

Manufacturer:

3. What is the model name or number and/or vehicle identification number (VIN) of the ATV?

Model: Rancher ES

(b)(6)

VIN: (b)(6)

4. What is the model year of the ATV? (Record last two digits of model year. For example 89,90).

Model Year: 2003

5. What is the engine size (in CCs) of the ATV?

Engine Size: 325-350

6. Was there more than one death involved in this incident? If more than two individuals were killed use an additional sheet.

Death #1

Death #2

Date of Death: 03/08/2009

Age/Sex: 10/Male

State of Death: FLORIDA

City of Death: Tallahassee

County of Death: Leon

7. Describe how the incident occurred. (Use additional sheets if necessary).

A 10-year-old-male was riding a 4-wheeled ATV solo around the dirt perimeter of a private farm. He was not wearing a helmet. As he exited the farm onto the north shoulder of a roadway he struck a portion of a discarded electrical pole that was being used as a fence post. He was ejected from the ATV and sustained fatal injuries. He was transported to a hospital where he was pronounced with the cause of death determined to be blunt force neck trauma.

8. Did the ATV overturn/tipover/rollover? Yes

9. If ATV overturned/tipped over/rolled over, did it land on the victim?

Victim 1:	Victim 2:
Yes <input checked="" type="radio"/> No Unknown	Yes No Unknown

10. Who was killed in the incident? Check all that apply.

<input checked="" type="radio"/> - Driver	3 - Bystander	8 - Other/Unknown
2 - Passenger	4 - Driver/Other Vehicle	

11. Was the victim wearing a helmet at the time the incident occurred?

Victim 1:	Victim 2:
Yes <input checked="" type="radio"/> No Unknown	Yes No Unknown

12. How many riders (including the driver) were on the ATV at the time the incident occurred?

0 - Unknown	2 - Two riders	4 - Four or more riders
<input checked="" type="radio"/> - One rider	3 - Three riders	9 - No riders

13. List the following physical characteristics of the DRIVER of the ATV:

Age: 10	Height: 53 (inches)
Weight: 01 = 74 and under	Sex: Male

14. How did the driver learn to operate an ATV (READ LIST)

- 1 - Organized Program Sponsor's Name:
- 2 - Dealer/Salesperson Arranged through dealer:
- ③ - Friend/Relative Friend/Relative Age:
- 4 - Self
- 5 - Other (Specify)
- 9 - Don't Know

15. What was the type of terrain (ground surface) being travelled at the time the incident occurred?

- 07 - Field, Pasture, Farmland, Ranchland

16. Type of road being travelled by ATV when incident occurred?

- 09 - NA (Not a road)

17. Identify any other motor vehicle(s) involved in this incident.

- 09 - NA (Not a traffic incident)

18. Had the driver of the ATV used alcohol just prior to the incident?

- 2 - No

19. Had the driver taken any drugs or medication just prior to the incident?

- 2 - No, Drugs

Additional Comments:

Tallahassee boy, 11, dies in four-wheeler crash Sunday afternoon

DEMOCRAT STAFF REPORT • MARCH 8, 2009

An 11-year-old Tallahassee boy died of injuries suffered when the four-wheel vehicle he was riding crashed Sunday afternoon, according to Sgt. Lonnie Seay of the Leon County Sheriff's Office.

NEWS RELEASE

(b)(6) was riding the all-terrain vehicle on his parent's property in the (b)(6) (b)(6) at 5:27 p.m. Sunday when the crash occurred, Seay said.

Marion was rushed to Tallahassee Memorial Hospital where he was pronounced dead.

The cause of the crash and the circumstances are still under investigation, Seay said.

<http://www.tallahassee.com/article/20090308/BREAKINGNEWS/90308009>

1. Task Number 090317HCC3426		2. Investigator's ID 9107		EPIDEMIOLOGIC INVESTIGATION REPORT
3. Office Code 840	4. Date of Accident YR MO DAY 2008 09 13	5. Date Initiated YR MO DAY 2009 03 17		
6. Synopsis of Accident or Complaint UPC				
<p>A 64-year-old, male victim and his 64-year-old wife got into a sports utility vehicle. Victim #1 (the driver) had strapped the shoulder portion of the seat belt around the handrail and across his lap. His wife (the passenger), fastened her seatbelt properly. They were driving the utility vehicle uphill, on some sand dunes. The victim attempted to turn left, but overshot the turn and struck the bank on the far side. The vehicle rolled twice before coming to rest at the base of the hill. The roll bar landed on victim #1's head, resulting in blunt-force trauma to his head. The victim died at the scene. The passenger was unharmed.</p>				<p>MFR/PRVLBR NOTIFIED</p> <p>COMMENTS: <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> OVERRULED; <input type="checkbox"/> ATTACHED</p> <p><input checked="" type="checkbox"/> EXCISIONS/FOIA EXS. <u>25F</u></p> <p><input type="checkbox"/> DO NOT RE-NOTIFY <input checked="" type="checkbox"/> RE-NOTIFY <u>4/12/11</u> <i>le</i></p>
7. Location (Home, School, etc) 9 - SPORTS OR RECREATION PLACE		8. City FLORENCE		9. State OR
10A. First Product 5044 - Utility Vehicles		10B. Trade/Brand Name YAMAHA RHINO		10C. Model Number RHINO
10D. Manufacturer Name and Address YAMAHA MOTOR CORPORATION, USA 6555 Katella Avenue Cypress, CA 90630				
11A. Second Product 0		11B. Trade/Brand Name NONE		11C. Model Number NONE
11D. Manufacturer Name and Address NONE				
12. Age of Victim 64	13. Sex 1 - Male	14. Disposition 8 - Death		15. Injury Diagnosis 54 - Crushing
16. Body Part(s) Involved 75 - HEAD	17. Respondent 3 - 2nd Hand Info Only	18. Type of Investigation 2 - Telephone		19. Time Spent (Operational / Travel) 12 / 0
20. Attachment(s) 9 - Multiple Attachments		21. Case Source 14 - Death Certificate		22. Sample Collection Number
23. Permission to Disclose Name (Non NEISS Cases Only) <input type="radio"/> Yes <input checked="" type="radio"/> No <input type="radio"/> Verbal <input type="radio"/> Yes for Manuf. Only				
24. Review Date 06/29/2009		25. Reviewed By 9021		26. Regional Office Director Frank J. Nava
27. Distribution Topka, Tanya; Mills, Alberta; Streeter, Robin			28. Source Document Number 0841020373	

This In-Depth Investigation (IDI) was initiated based on a death certificate concerning a fatality involving a Utility Terrain Vehicle (UTV). The following information was obtained from investigating officials.

Two victims involved in this IDI. The UTV was being driven by victim#1 who was a 69 year old male. His date of birth is (b) (3) Exemption. He was 5'8" and weighed 175 pounds. He was the registered owner of the UTV. No further information was obtained.

Victim#2 is a 64 year old female. Her date of birth was (b) (3) Exemption. Victim#2 was a passenger on the ATV. She did not sustain any injuries during the incident. No further information was obtained.

The incident occurred in the sand dunes of a recreation area. The sand dune is an off road riding area for UTVs. The weather was clear with full daylight visibility. The surface is made up of sand with steep hills and flats with sand roads cut through some areas. To the west side are some hills with vegetation. The constant traveling through some vegetation by other ATVs and UTVs has added more side roads in the area.

The sand road where the UTV was traveling on was about 200 yards wide by $\frac{3}{4}$ of a mile long. The sand road has 3 to 4 foot slip faces with the slip to the south and a slight grade. The hill the incident occurred on is about 30 feet high and has about a 26 degree slope. At the top of the hill is a razor edge that runs at a slight angle between the peaks of the hills across the sand road that has been cut between them.

The UTV was equipped with lap and shoulder straps for the two front passengers and lap belts for the two seats in the back. On the day of the incident, victim #1 ran the shoulder portion of the seat belt around a handrail, instead of wearing it correctly across his chest as a shoulder strap. According to his wife the shoulder strap bothered him. Victim #2 wore her seat belt correctly, remaining in the UTV during the crash, obtaining no injury to herself.

On 9-13-2008, the victim was with his wife got into a UTV. Victim #1 strapped the shoulder portion of the seat belt down and around the hand rail then across his lap. Victims#2 fasten her seat belt properly. They began riding on the UTV on the sand dunes. They were traveling up a hill and turned left to go down through an opening. Victim #1 overshot the turn causing the UTV to strike the bank on the far side. The UTV then rolled down to the base of the hill. As they were rolling down the hill victim#2 did not hear victim#1 say anything. The UTV came to rest on the driver's side with the roll bar crushing victim #1 on the head while victim #2 remained in the UTV unharmed.

The victim's son-in-law and daughter were riding behind on another UTV but did not witness the incident. When they approached the scene, they found the victim's UTV overturned on the driver's side. They saw that the roll bar had landed across the victim's head and was being crushed by it so they used the winch on the second UTV to pull the overturned UTV off of the victim.

When the officer arrived at the scene, he observed a UTV sitting upright on the west side of the upper sand road at the base of a hill. The victim was on his back on the ground next to the UTV. When the emergency team arrived they declared him dead at the scene at 1416 hours. The officer observed head trauma to both sides of the victim's head. There was blood transfer on the roll bar above to the left drivers head position of the UTV which corresponded to the cuts to the left side of the victim's head.

Per the officer's report, the victim was traveling up a hill at an unknown speed. As they turned to the left to go down through an opening, they overshot the turn and struck the bank on the far side. The UTV rolled about 2 times before coming to rest at the base of the hill on the driver's side with the roll bar landing on victim#1's head.

Per the coroner's report, cause of death was blunt force head trauma.

Product Identification:

The product involved in this In-Depth Investigation was a Utility Terrain Vehicle (UTV). The ATV is identified as a blue 2008 Yamaha Rhino 700F1 4-wheel drive, side-by-side, 4 seat UTV. VIN# 5Y4AM23Y48A001414. The engine is a 700cc.

The UTV has seat belt and shoulder straps for both front seat passengers and lap belts for the back seat passengers.

It is unknown if the UTV had any aftermarket modifications.

No further information was obtained.

Exhibits:

- (1) Police Photographs (18 Pictures)
- (2) Police Report
- (3) Medical Examiner's Report

090317HCC3426

Contacts:

Lane County Sheriff
125 East 8th Avenue
Eugene, OR 97401

Contact initiated to obtain a copy of the police report

Oregon Medical Examiner
13309 SE 84th, Suite 100
Clackamas, OR 97015

Contact initiated to obtain a copy of the coroner's report

Task Number: 090317HCC3426

Date: 06/23/2009

Status of Missing Document(s)

The official records below were requested for this investigation report, but could not be obtained.

1. _____ State Police Report _____
2. _____
3. _____
4. _____
5. _____

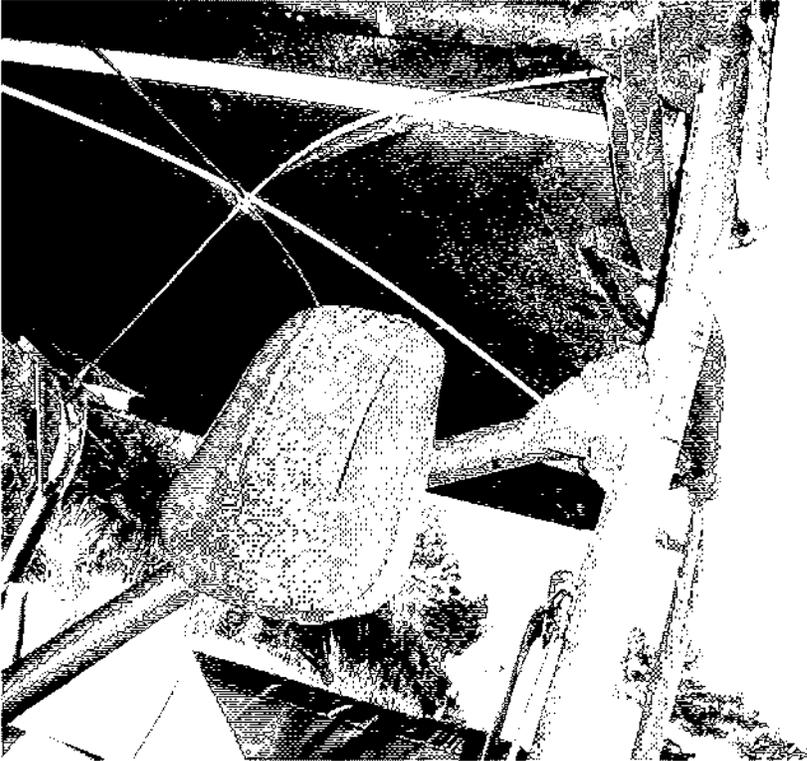


Photo #1 – This is a view of the driver side roll bar. The roll bar was crushing the victim head when it came to rest at the bottom of the hill.



Photo #2 – This is another view of the roll bar from the passenger side of the UTV.



Photo #3 – This is a view of the left side of the UTV. A cable from another UTV was tied to the roll bar to bring it right side up.



Photo #4 – This is a view of the right side of the UTV. The UTV front tire was severely damaged during the incident.



Photo #5 – This is a view facing the right rear end of the ATV. The victim was placed under a black tarp. The rear tire was also damaged.



Photo #6 – This view is of the left rear side of the ATV. The rear tire was flattened during the incident.



Photo #7 – This is a view of the left side of the second UTV that was used to get the the victim's UTV up right.



Photo #8 - This view is from the right side of the UTV.



Photo #9 - This view is facing the front end of the UTV. The victim is located to the right side of the UTV.

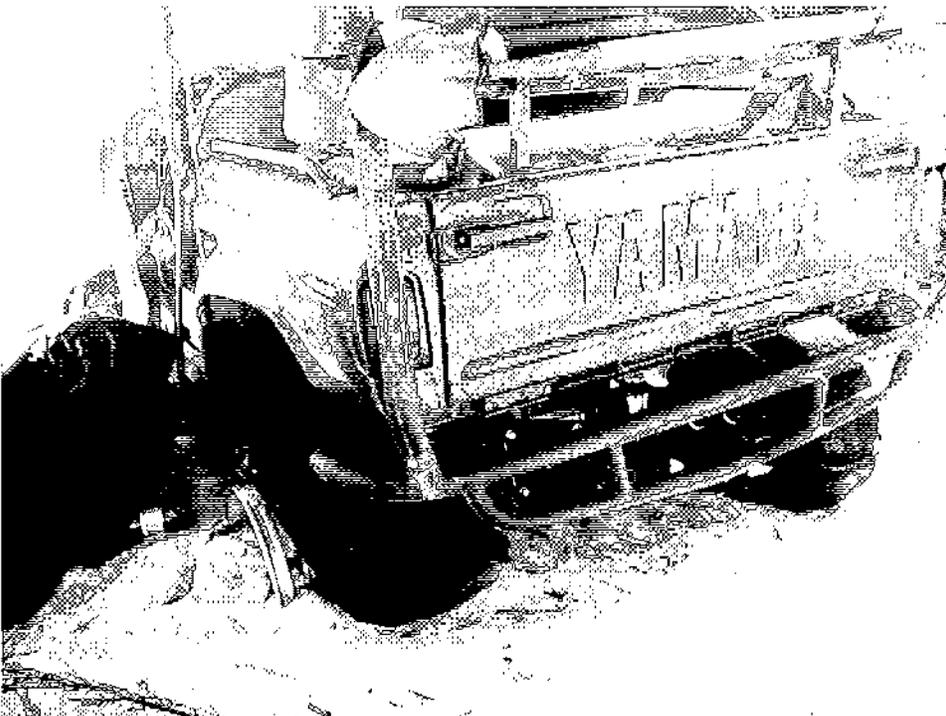


Photo #10 – This is a view of the back end of the UTV. The victim had a shovel strapped across the back rest of the back seat.



Photo #11 – This is a view of the left side rear wheel. It was flattened during the incident.

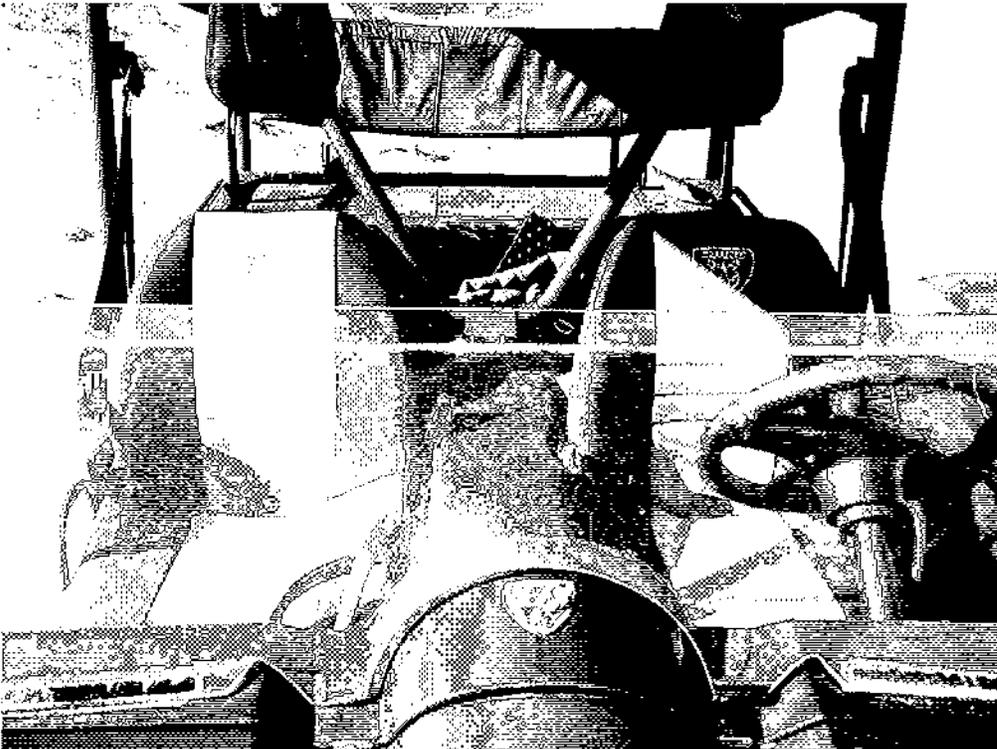


Photo #12 – This is a view looking in through the front windshield into UTV.



Photo #13 – This is another view of the passenger side of the UTV.

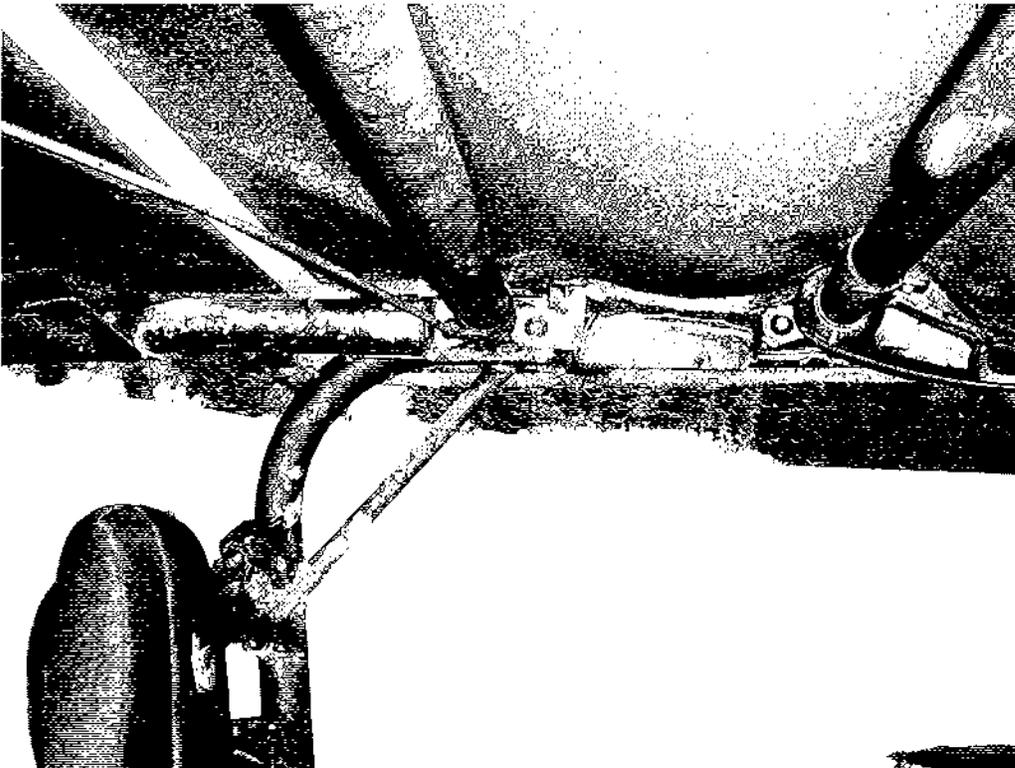


Photo #14 – This is a view of the roll bar from the inside of the UTV. The blood transfer was caused by the contact between the victim's head and the roll bar.



Photo #15 – Another view from the front windshield looking towards the driver's side of the roll bar. There is sand on the roll bar which is consistent to the UTV rolling down the hill.



Photo #16 – This is the location of the victim after the incident and after the UTV was removed off of him.



Photo #17 – This is how the victim positioned his seat belt prior to strapping it over his lap. He would run the seat belt around the handrail and then across his lap.



Photo #18 – This is a closer view at how he would wind the seat belt around the handrail.



OREGON POLICE TRAFFIC CRASH REPORT

PAGE 1 OF 4

POLICE INCIDENT / CASE NUMBER (b)(3) Exemption 3 for 25(c)	CRASH DATE 9-13-08	DAY OF WEEK THU	CRASH TIME 1:42 AM	POLICE NOTIFIED 1:42 AM	POLICE ARRIVAL 2:20 AM	DMV FILE NUMBER
COUNTY Lane	ROAD ON WHICH CRASH OCCURRED Oregon Dunes National Recreation Area / Off Road				MILE POST N/A	DMV CODE

<input type="checkbox"/> WITHIN _____ FEET N S OF NEAREST INTERSECTING ROAD	<input type="checkbox"/> WITHIN _____ FEET S OF NEAREST CITY / TOWN
<input type="checkbox"/> NEAR _____ MILES E W N/A	<input checked="" type="checkbox"/> NEAR 2 MILES E W Florence
<input type="checkbox"/> PROPERTY DAMAGE	<input type="checkbox"/> PUBLIC PROPERTY DAMAGE
<input type="checkbox"/> INJURY	<input checked="" type="checkbox"/> FATAL
<input type="checkbox"/> HAZARDOUS MATERIALS	<input type="checkbox"/> HIT AND RUN
<input type="checkbox"/> TRAIN RR	<input checked="" type="checkbox"/> PHOTOS TAKEN
<input type="checkbox"/> TRUCK / BUS	

UNIT #	NAME (LAST, FIRST, MIDDLE) (b)(3) Exemption 3 for 25(c)	DRIVER LICENSE NUMBER	STATE	SEX	RACE	DOB
PED	(b)(3) Exemption 3 for 25(c)					
BIC						

VEHICLE OWNER	WORK PHONE
<input checked="" type="checkbox"/> SAME	() Work

FILE Y	STO SPD	PST SPD	INSURANCE COMPANY	INSURANCE POLICY NUMBER
<input checked="" type="checkbox"/>	UNK	None	N/A	N/A
EJECTED Y	EXTCTD Y	VEHICLE IDENTIFICATION NUMBER (VIN)	LICENSE PLATE NUMBER	STATE
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	(b)(3) Exemption 3 for 25(c)	N/A	OR
VEHICLE TOWED Y	BY	DRIVER TAKEN Y	BY	MODEL / STYLE
<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	By Burns River side chapple	Rhino 700FI Blue

VEHICLE DAMAGE	DAMAGE ESTIMATE	INJURY
FRONT →	<input checked="" type="checkbox"/> NONE <input type="checkbox"/> UNDER \$1500 <input type="checkbox"/> OVER \$1500	<input type="checkbox"/> NONE <input type="checkbox"/> POSSIBLE <input type="checkbox"/> MINOR <input type="checkbox"/> SERIOUS <input checked="" type="checkbox"/> FATAL
	<input checked="" type="checkbox"/> ROLLOVER <input type="checkbox"/> UNDER CAR <input type="checkbox"/> TOTALED <input type="checkbox"/> UNKNOWN	EQUIPMENT: <input type="checkbox"/> NO EQP USED <input type="checkbox"/> LAP ONLY <input checked="" type="checkbox"/> LAP / SHLDR <input type="checkbox"/> CHILD RST PRP <input type="checkbox"/> ABAG DEPLYD
	USE ARROW TO SHOW FIRST IMPACT (GRADE BY DASHED AREA)	<input type="checkbox"/> NONE INSTLD <input type="checkbox"/> UNKNOWN <input type="checkbox"/> SHLDR ONLY <input type="checkbox"/> HELMET <input type="checkbox"/> CHILD RST IMPR <input type="checkbox"/> ABAG NOT DP
		ACTION / ARREST / CITES N/A

HIT AND RUN	SUSPECT NAME	TAKE	IN CUSTODY
			Y N
	ADDRESS	OTHER INFORMATION	
	SEX	HT	WT
	HAIR	EYES	LOCAL ID

UNIT #	NAME (LAST, FIRST, MIDDLE)	DRIVER LICENSE NUMBER	STATE	SEX	RACE	DOB
PED						
BIC						

VEHICLE OWNER	WORK PHONE
<input type="checkbox"/> SAME	()

FILE Y	STO SPD	PST SPD	INSURANCE COMPANY	INSURANCE POLICY NUMBER
<input type="checkbox"/>				
EJECTED Y	EXTCTD Y	VEHICLE IDENTIFICATION NUMBER (VIN)	LICENSE PLATE NUMBER	STATE
<input type="checkbox"/>	<input type="checkbox"/>			OR
VEHICLE TOWED Y	BY	DRIVER TAKEN Y	BY	MODEL / STYLE
<input type="checkbox"/>		<input type="checkbox"/>		

VEHICLE DAMAGE	DAMAGE ESTIMATE	INJURY
FRONT →	<input type="checkbox"/> NONE <input type="checkbox"/> UNDER \$1500 <input type="checkbox"/> OVER \$1500	<input type="checkbox"/> NONE <input type="checkbox"/> POSSIBLE <input type="checkbox"/> MINOR <input type="checkbox"/> SERIOUS <input type="checkbox"/> FATAL
	<input type="checkbox"/> ROLLOVER <input type="checkbox"/> UNDER CAR <input type="checkbox"/> TOTALED <input type="checkbox"/> UNKNOWN	EQUIPMENT: <input type="checkbox"/> NO EQP USED <input type="checkbox"/> LAP ONLY <input type="checkbox"/> LAP / SHLDR <input type="checkbox"/> CHILD RST PRP <input type="checkbox"/> ABAG DEPLYD
	USE ARROW TO SHOW FIRST IMPACT (GRADE BY DASHED AREA)	<input type="checkbox"/> NONE INSTLD <input type="checkbox"/> UNKNOWN <input type="checkbox"/> SHLDR ONLY <input type="checkbox"/> HELMET <input type="checkbox"/> CHILD RST IMPR <input type="checkbox"/> ABAG NOT DP
		ACTION / ARREST / CITES

UNIT #	<input checked="" type="checkbox"/> PASSENGER NAME (b)(3) Exemption 3 for 25(c)	<input type="checkbox"/> WITNESS (b)(3) Exemption 3 for 25(c)	ADDRESS
SEX	RACE	DOB	WORK PHONE
W	R		()
PASSENGER TAKEN Y	BY	TO	INJURY
<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/> NONE <input type="checkbox"/> POSSIBLE <input type="checkbox"/> SERIOUS <input type="checkbox"/> FATAL

ADDRESS	INJURY	LOCATION	EJECTED
	<input type="checkbox"/> NONE <input type="checkbox"/> MINOR <input type="checkbox"/> FATAL	LF CR RF LR CR RR OTHER	Y P N Y N
	EQUIPMENT	<input type="checkbox"/> NO EQP USED <input type="checkbox"/> LAP ONLY <input type="checkbox"/> LAP / SHLDR <input type="checkbox"/> CHILD RST PRP <input type="checkbox"/> ABAG DEPLYD	
	<input type="checkbox"/> NONE INSTLD <input type="checkbox"/> UNKNOWN <input type="checkbox"/> SHLDR ONLY <input type="checkbox"/> HELMET <input type="checkbox"/> CHILD RST IMPR <input type="checkbox"/> ABAG NOT DP		

UNIT #	<input type="checkbox"/> PASSENGER NAME	<input type="checkbox"/> WITNESS	ADDRESS
SEX	RACE	DOB	WORK PHONE
			()
PASSENGER TAKEN Y	BY	TO	INJURY
<input type="checkbox"/>			<input type="checkbox"/> NONE <input type="checkbox"/> MINOR <input type="checkbox"/> FATAL

OFFICER NAME / NUMBER	DATE	AGENCY	APPROVED
R. Bobb 23/18513	9-13-08/1820	Lane County S.O.	C. Doyle 417
26-MA (43)	AGENCY COPY		STAR 30301

CONTINUATION REPORT

LANE COUNTY SHERIFF'S OFFICE

PAGE 3 OF 4
CASE NUMBER (b)(3) Exemption 3

Related case number: (b)(3) Exemption 3 for 25(c)

AO/ Trooper Ayers OSP 2930 Photographed the scene. assisted with reconstruction
Trooper Goldsmith OSP 2915 Diagramed scene
Officer Geeting USFS 1187

Medics: Westlane Ambulance
Rescue 10
Medic 1
Siuslaw Fire Department

E/ Photographs of scene will be forwarded by Trooper Ayers and added to this report.

T/

(b)(3) Exemption 3 for 25(c)

Relationship: Son in-law

T/

(b)(3) Exemption 3 for 25(c)

Relationship: Daughter

Medical Examiner: DR Dan Davis Authorized removal of the body via telephone

INVESTIGATION: On 9-13-08 at about 1342 hours I was dispatched to a Fatal All Terrain Vehicle (ATV) crash on the Oregon Dunes National Recreation Area (ODNRA). The ODNRA is an off road riding area for ATV's located about 1 mile south of Florence, OR on the west side of Hwy 101. The area is considered a Highway but has no paved roadways. The area is primarily made of sand with steep hills and flats with sand roads cut through some areas. There are areas where vegetation is overtaking the sand and it is also part of the Siuslaw National Forest. Trooper Ayers and Trooper Goldsmith responded to the crash site with me and assisted with the investigation. Officer Geeting arrived just prior to me with the medic units.

I arrived at about 1420 hours and noted the crash occurred on a sand road known as Upper Cleawox Sand Road. Medics and officer Geeting were already on scene. The site of the crash was about 200 yards south of the Goosepasture Flat. The area is a sand road about 200 yards wide and about ¼ of a mile long running primarily north and south. It is made of sand. There are no traffic control devices or pavement. On the west side are some hills with vegetation. ATVs have cut openings through some of the vegetation adding more side roads. The road its self has about 3 to 4 foot slip faces with the slip to the south and a slight grade. The hill the crash occurred on is about 30 feet high and has about a 26 degree slope. At the top of the hill is a razor edge that runs at a slight angle between the peaks of the hill across the sand road that has been cut between them. Refer to Trooper Goldsmiths reconstruction diagram for further site description. I noted a blue Yamaha Rhino 700 ATV sitting upright facing south on the west side of Upper

Reporting Officer K. Ayers	ID # 2518511	Assisting Officer	I.D. #	Date & Time Prepared 9-13-08/1820	Approved By C. Ayers	ID # 1187
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CONTINUATION REPORT

LANE COUNTY SHERIFF'S OFFICE

PAGE 4 OF 4
CASE NUMBER (b)(3) Exemption 3

Cleawox Sand Road at the base of a hill. A Yamaha Rhino is a 4 wheel drive side by side ATV which falls under the class II ATV definition. It has a seat belt and shoulder strap for both front seat passengers and lap belts for the back seat passengers. Seat belts are required to be installed and used by all passengers in and operating a class II ATV. I observed a subject, later identified as (b)(3) Exemption 3 laying on his back on the sand next to the ATV with his head to the east. I contacted the medics who advised me (b)(3) Exemption 3 was deceased and that they called the death at about 1416 hours. I noted injuries to (b)(3) Exemption 3 head on both sides. I noted blood in both ears and Grey Matter coming out of his nose. I did not observe any sign of injuries left by the seat belt across his chest. I observed flesh and blood transfer onto the roll bar which is to the left side and above (b)(3) Exemption 3 head while seated. One point of transfer matched a cut I located on (b)(3) Exemption 3 head on the left side. I did not observe any other obvious injuries to (b)(3) Exemption 3. I did not observe or locate any signs of alcohol or drug use by (b)(3) Exemption 3 or the passenger. I noted the seat belt (b)(3) Exemption 3 had been wearing had been pulled down and through a hand rail then wrapped around the hand rail. In a statement by the passenger (b)(3) Exemption 3 would pull the seatbelt through the hand rail wrap it then pull it across his lap removing the shoulder strap from across his chest. Trooper Ayers then photographed the scene while Trooper Goldsmith diagramed it. I contacted the on call Medical Examiner, DR. (b)(3) Exemption 3 by telephone and received authorization to remove the body. A statement from the passenger (b)(3) Exemption 3 for (b)(3) Exemption 3 for 25(c) was obtained however I was unable to locate any other witnesses. I did locate (b)(3) Exemption 3 for 25(c) who had been following (b)(3) Exemption 3 in another Yamaha Rhino but did not see the crash. (b)(3) Exemption 3 for 25(c) used a winch from his ATV to pull (b)(3) Exemption 3 Rhino off of him. When the ATV came to rest after the crash it was on the drivers side with the roll bar across (b)(3) Exemption 3 head.

At about 1555 hours (b)(3) Exemption 3 was removed from the scene and transported to Goosepasture Staging area and released to Burns Riverside Chappell.

INTERVIEW: (b)(3) Exemption 3 for 25(c)

(b)(3) Exemption 3 advised they were traveling up a hill. She did not know how fast. As they turned to the left to go down through an opening of in the hill they overshot the turn, and struck the bank on the far side. The ATV rolled down the hill at least 2 times before coming to rest on the driver's side at the base of the hill. The roll bar had pinned (b)(3) Exemption 3 head to the sand. (b)(3) Exemption 3 advised after the first roll (b)(3) Exemption 3 did not say anything. She advised that Adams would run the shoulder portion of the seat belt down and around a hand rail then across his lap because the shoulder strap bothered him. (b)(3) Exemption 3 advised she had her seat belt on properly and remained inside the vehicle during the crash and was uninjured.

FOLLOW-UP: Add Trooper Ayers photographs to this report when they are available. Add Trooper Goldsmith's diagram to this report when it becomes available.

REFERRAL: None.

DISPOSITION: Suspended.

Reporting Officer Bryce Buggs	ID # 23/18513	Assisting Officer	I.D. #	Date & Time Prepared 9-13-08/1820	Approved By C. Ayers 117	ID #
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REPORT FORM

CALL INFO	NAME OF DECEASED (b)(3) Exemption 3 for 25(c)		CASE# (b)(3) Exemption 3 for 25(c)	
	LAST	FIRST	MIDDLE	COUNTY
	PHYSICIAN / INVESTIGATOR (b)(3) Exemption 3 for 25(c) M.D.	REPORT DATE/TIME 9/15/08	ARRIVAL DATE/TIME 16:45	Death Cert No.
DECEDENT	IF DELAYED, WHY? (b)(3) Exemption 3 for 25(c)			
	DOB (b)(3) Exemption 3 for 25(c)	AGE 69	MONTHS 11	DAYS 1
	SEX Male		RACE White	
	HOME ADDRESS (b)(3) Exemption 3 for 25(c)		LATITUDE N	LONGITUDE W
DEATH	CITY	STATE	ZIP	HOME PHONE
	(b)(3) Exemption 3 for 25(c)	Divorced	Heavy Equipment Operator	
	DIED/FOUND DIED	DATE/TIME OF DEATH 9/13/2008 14:16	FOUND BY Passenger in ATV	
INCIDENT	DEATH ADDRESS Upper Cleawox Sand Road Florence OR 97439		LATITUDE N	LONGITUDE W
	AST KNOWN ALIVE DATE/TIME 9/13/08 14:16	BY Medics	ADDRESS:	
	INCIDENT DATE/TIME 9/13/08 13:42	Upper Cleawox Sand Road Florence OR 97439		
NOTIFICATION	POLICE Oregon State Police	OFFICERS Lcso Dep. Boggs	PD CASE# (b)(3) Exemption 3 for 25(c)	
	FIRE UNIT(S)		AMBULANCE	OTHER UNIT
	NOK ADDRESS (b)(3) Exemption 3 for 25(c)		RELATIONSHIP Son	
DISPOSITION	NOTIFIED BY:		METHOD	DATE/TIME NOTIFIED
	IF NOT IN PERSON, WHY NOT?			
	FINGERPRINT? N	FINGERPRINT BY	METHOD ID MADE Witness At Scene	
CAUSE/MANNER	TRANSPORTED TO MEDICAL EXAMINER'S OFFICE No		BY: On-call Mortuary.	
	REASON FOR TRANSPORT			
	FUNERAL HOME Burn's Riverside Chapel Florence Funeral Home.	NAMED BY:	DATE NAMED:	
CAUSE OF DEATH: Blunt Force Head Trauma, Due To All Terrain Vehicle Rollover Crash.				
MANNER OF DEATH: Accident	OTHER SIGNIFICANT FINDINGS:			
AUTOPSY? No	BY?			
MEDICAL EXAMINER FORENSIC PATHOLOGIST (b)(3) Exemption 3 for 25(c) M.D.		CRV		

**OFFICE OF THE STATE
MEDICAL EXAMINER
REPORT FORM**

(b)(3) Exemption 3 for 25(c)

(b)(3) Exempt

PHYSICIAN	PHYSICIAN see narrative		PHONE			
	MEDICATION					
SMOKING HX :						
EXAMINATION	DATE/TIME		PLACE			
	HEIGHT:	WEIGHT:	HAIR COLOR		EYE COLOR	
	POSITION				MOVED?	
	LIVOR		RIGOR		BODY HEAT	
	SURROUNDING TEMP.					
	LOCATION AND DEGREE OF PUTREFACTION					
	DETAILED BODY DESCRIPTION					
CLOTHING	CLOTHING					
	JEWELRY		CASH		PROPERTY REMOVED	
	OTHER PROPERTY					
SEROLOGY DATA	BLOOD DRAW?	BY WHOM?	BLOOD ALCOHOL SENT?	BA RESULTS:	TOX SENT?	TOX RESULTS
	ADMIT BLOOD AT HOSP?	PICKED UP?	BY WHOM?			
	TESTED BY HOSP?	RESULTS				
	URINE DRAWN?	VITREOUS DRAWN?	VITREOUS TIME			
MISC DATA	PHOTOS TAKEN?	BY WHOM?				
	CRIME LAB AT SCENE?	WHO?				
INFORMANTS	INFORMANT1			INFORMANT2		
	INFORMANT3			INFORMANT4		

OFFICE OF THE STATE
MEDICAL EXAMINER
NARRATIVE

(b)(3) Exemption 3 for 25(c)

(b)
(3) Exemption
3 for 25(c)

LANE COUNTY DISTRICT ATTORNEY
MEDICAL EXAMINER'S OFFICE
MEDICAL EXAMINER'S REPORT OF INVESTIGATION

CASE #: 2008-201

DATE OF REPORT: 9/13/08

NAME:

(b)(3) Exemption 3 for 25(c)

DATE OF BIRTH:

(b)
(3) Exempti 69 years

SEX:

Male

PLACE OF DEATH:

Upper Cleawox Sand Rd, Florence, OR 97439

DATE OF DEATH:

9/13/08 Pronounced

TIME:

2:16 p.m. Prncd

ADDRESS STRICKEN:

Upper Cleawox Sand Rd, Florence, OR 97439

DATE STRICKEN:

9/13/08

TIME:

1:42 p.m.

HOME ADDRESS:

(b)(3) Exemption 3 for 25(c)

INFORMANT OR RELATIVE:

AGENCY:

LC SO

OFFICER:

Dep Boggs

CASE #:

(b)
(3) Exempti

Introduction:

The deceased was a 69 year old driver of an ATV that overturned while he and a passenger were driving over sand dunes.

History:

LC SO Deputy Boggs alerted Dr. Davis by pager on 9/13/08 at 2:25 p.m. Boggs told Davis over the telephone that he had a death near Florence in which a Mr. Wayne Adams was driving an ATV with a female passenger (Kayla McKinney, wife)

when they struck something, overturning the ATV. (b) (3) Exempt was uninjured while (b) (3) Exempt head was apparently crushed by the roll bar. Boggs said that brain matter was visible coming from (b) (3) Exempt nose. P investigators at the scene took photographs. Boggs would be preparing a report with more details.

Scene and Body Description:

Deferred

Assessment and Plan:

Dr. (b) (3) Exempt determined with the above preliminary information that the deceased apparently sustained witnessed, obvious, fatal head trauma visible to officers at the scene and not requiring a scene visit by (b) (3) Exempt (b) (3) Exempt authorized removal of the body to Riverside Funeral Chapel in Florence. (b) (3) Exempt requested that (b) (3) Exempt of Riverside Chapel take photographs of the body and draw blood for toxicology testing.

Police Reports:

Dr. (b) (3) Exempt reviewed the Oregon State Police Traffic Crash (08-358288) and the LCSO (08-7135) reports related to the incident. Deputy Boggs, Officer Geeting and Troopers Ayers and Goldsmith responded to the scene after the alert at 1:42 p.m. on 9/13/08. The scene was a sand road about 200 yards wide by 3/4 of a mile long south of Goosepasture flat, 1 mile south of Florence on the west side of Hwy 101. Investigators observed a Yamaha Rhino 700 4-wheel drive, side-by-side, 4 seat ATV sitting upright on the west side of Upper Cleawox Sand Road at the base of a hill. Deputy Boggs first saw the deceased, (b) (3) Exempt, on his back on the ground next to the ATV. Paramedics had already declared (b) (3) Exempt dead at 1416 hours. Boggs observed apparently fatal head trauma to both sides of Adams' head with "blood in both ears and grey matter coming out of his nose." Boggs saw blood transfer on the ATV roll bar above and to the left the driver's head position and a corresponding cut to the left side of (b) (3) Exempt head. (b) (3) Exempt (son in law) and (b) (3) Exempt (daughter) (b) (3) Exempt had been following (b) (3) Exempt ATV in another ATV, but did not see the crash. When they came across (b) (3) Exempt ATV, they saw (b) (3) Exempt ATV [overturned] with the roll bar on (b) (3) Exempt head. They used their winch to pull (b) (3) Exempt ATV off of him.

(b) (3) Exempt (wife) told officers that she was a passenger in the ATV at the time of the crash. They had been traveling up a hill, turned left to go down through an opening, overshot the turn, struck the bank on the far side, and rolled down the hill at least 2 times to the base of the hill. The roll bar pinned (b) (3) Exempt head to the sand. She said that (b) (3) Exempt ran the shoulder portion of the seat belt around a handrail [instead of wearing it correctly across his chest] as the shoulder strap bothered him. (b) (3) Exempt wore her seat belt correctly, remained in the vehicle during the crash, and was uninjured.

NOK/Informant Input:

See Police Reports, above

Medical History:

Deferred

Examination:

No formal examination of the body was performed, however 4 photos taken by Mr. (b) (3) Exempt were reviewed by Dr. (b) (3) Exempt. These photos depict the head of an elderly but fit-looking Caucasian male with a neatly trimmed grey beard and moustache from various angles. There is an apparent laceration of the left forehead and clotted/dried blood is noted over most of the face. Blood is visible in the nostrils. A Combi-tube enters the mouth.

Conclusion:

Dr. (b) (3) Exempt reviewed the above investigation, viewed the funeral home photographs, and determined the cause and manner of death, below:

Cause of Death: Blunt force head trauma due to ATV rollover crash

Manner of Death: Accident

dwd

1. Task Number 090325CWE8131		2. Investigator's ID 8109		EPIDEMIOLOGIC INVESTIGATION REPORT
3. Office Code 840	4. Date of Accident YR MO DAY 2007 11 22	5. Date Initiated YR MO DAY 2009 04 01		
6. Synopsis of Accident or Complaint UPC An 11-year-old girl was driving a utility ATV in a level pasture. When she made a sharp left turn, she was partially ejected from the ATV, and the vehicle rolled over her. She sustained a depressed skull fracture when she struck her head against the roll bar on the vehicle. She died at the incident site. She was not wearing a helmet or a seat belt.				
MFR/PRVLBR NOTIFIED COMMENTS: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> OVERRULED; <input type="checkbox"/> ATTACHED <input checked="" type="checkbox"/> EXCISIONS/FOIA EXS. <i>2scr6</i> <input checked="" type="checkbox"/> DO NOT RE-NOTIFY <input type="checkbox"/> RE-NOTIFY <i>Apr 6/15/09</i>				
7. Location (Home, School, etc) 2 - FARM		8. City PASO ROBLES		9. State CA
10A. First Product 3286 - All Terrain Vehicles (four W)		10B. Trade/Brand Name YAMAHA RHINO VIN:5Y4J22Y66A00021		10C. Model Number 450
10D. Manufacturer Name and Address YAMAHA MOTOR CORPORATION, USA 6555 Katella Avenue Cypress, CA 90630				
11A. Second Product 0		11B. Trade/Brand Name NONE		11C. Model Number NONE
11D. Manufacturer Name and Address NONE				
12. Age of Victim 11	13. Sex 2 - Female	14. Disposition 8 - Death	15. Injury Diagnosis 54 - Crushing	
16. Body Part(s) Involved 75 - HEAD	17. Respondent 3 - 2nd Hand Info Only	18. Type of Investigation 2 - Telephone	19. Time Spent (Operational / Travel) 14 / 0	
20. Attachment(s) 2 - Documents		21. Case Source 05 - Newspaper		22. Sample Collection Number
23. Permission to Disclose Name (Non NEISS Cases Only) <input type="radio"/> Yes <input checked="" type="radio"/> No <input type="radio"/> Verbal <input type="radio"/> Yes for Manuf. Only				
24. Review Date 04/30/2009	25. Reviewed By 9035		26. Regional Office Director Frank J. Nava	
27. Distribution Topka, Tanya			28. Source Document Number N0930587A	

This investigation was a follow-up to an incident reported in a news article dated 11-23-2007.

The information contained in this report was obtained from the police and coroner's investigation reports.

The victim, an 11-year-old girl, was 5'½" tall and weighed 95 lbs. She was not under the influence of alcohol or any drug. She had a history of epilepsy.

The incident occurred on private property. The incident site was dry, level, unimproved pasture with no notable unusual terrain hazards.

It was clear, cool, and dry on the day of the incident. The incident occurred during daylight hours.

The victim and her female cousin woke up around 9:00 a.m. to go to the ranch. They arrived at the ranch an hour later. They were expecting to play and ride the ATVs all day at the ranch. The very first thing they wanted to do after arriving at the destination was to ride the ATVs. The cousin's father took them for a short ride, teaching them on how to operate the ATVs. Later the girls were riding ATVs alone. The victim was riding a utility ATV and the cousin a "quad runner" ATV. At one point the father thought that they were riding too far from the ranch house and ordered them to ride close to the house.

The victim and the cousin had been riding each ATV alternately for three to four hours before the incident. Immediately before the incident the victim was riding the utility ATV, and the cousin was riding the other ATV ahead of her. When the cousin slowed down because of the bumpy terrain ahead, she momentarily looked behind and saw the victim's ATV on its side and on top of her. She immediately turned around and rushed to the scene. The victim was unconscious and not breathing. The cousin yelled for help but got no response. She attempted to call 911 with her cell phone but could not get a clear connection. She tried to call the ranch house but could not a clear connection. She drove back to the house and informed her father of the incident. He with the ranch owner drove to the site. The victim was unresponsive and not breathing. She was bleeding from her mouth. They moved the ATV from the victim, and began and continued CPR on her until paramedics arrived at the scene.

The victim was driving in the pasture at an unknown speed. She made a sharp turn causing the ATV to slightly slide counterclockwise. At that moment she overcorrected the steering input to the right, causing the weight of the ATV to transfer back to the left. This sudden weight transfer caused the ATV to roll over onto its left side. The victim was partially ejected from the ATV and struck her head on the roll bar. The ATV rested on top of the lower half of her body. She was not wearing a helmet and was not using the seat belt. The driver's seat belt buckle was later found pushed down between the seat and the center console.

IDI: 090325CWE8131

The victim sustained a fatal injury to the left side of her head (depressed skull fracture) and was pronounced dead at the scene by a paramedic.

The incident vehicle was damaged slightly; the top driver's side roll bar and canopy sustained scratches.

The coroner's investigator test drove the incident ATV and found no functionality problem with it.

The incident vehicle is a 2006 Yamaha Rhino 450 Cam utility ATV (VIN: 5Y4J22Y66A000210). It has a steering wheel and a roll cage over the passenger compartment. It has two side-by-side seats, each equipped with a standard 3-point seatbelt (with waist and shoulder restraints).

The following information on the incident ATV was not available from the police or coroner's report:

- date of manufacture
- date of purchase
- place of purchase
- price
- aftermarket modifications

Attachments:

- 1 – CHP Report No. 2007-11-0060
- 2 – Coroner's Report No. 15609
- 3 – Contact information

STATE OF CALIFORNIA
DEPARTMENT OF CALIFORNIA HIGHWAY PATROL

LOC: 7

740-09-01

PUBLIC RECORDS ACT REQUESTS

CHP 370C (New 3-07) OPI 008 (Page 3)

111

This form SHALL be completed by Department personnel ONLY (instructions on reverse side of form)

REQUEST RECEIVED BY (EMPLOYEE NAME)

ID NUMBER

DATE AND TIME AREA RECEIVED REQUEST

Cynthia Campa

A13662

4-1-09 2:00pm

Do not ask for the requestor's name or identification, it is not required

STEP 1 - Determine if the requestor wants an Arrest Log only or other records. Check the appropriate box.

- Arrest Log Only Request. Arrest log only requests do not require prior approval from Office of General Counsel (OGC). Arrest logs contain seven calendar days of arrest information. Arrest logs may contain the name, home address, date of birth, gender, and criminal charges against the arrestee. Requests may be mailed, faxed, or made in person, but shall not be disruptive to normal business. Copies will be provided at \$.30 per page.

REQUEST COMPLETED BY (EMPLOYEE NAME)

ID NUMBER

- Other Record(s) Request - Fill in the blanks below with the specific information the requestor wants. Do not ask why they want the information.

Accident Report 2007-11-0050

STEP 2 - Calculate 10 calendar days from the day the request was received, and place in the date box below. If the 10th day falls on a weekend or holiday, then enter the next business day.

STEP 3 - Read the following to the requestor verbatim:

"Your records request has been sent to CHP's Office of General Counsel for review. California law requires the CHP to notify you, in writing, within 10 days, advising whether the CHP has the public records sought; whether the public records are wholly or partly disclosable; whether the agency needs up to an additional 14 days to research and respond to your public records request; or, alternatively, why the public records are not available for disclosure. You may return in 10 days on _____ to receive your written notification, or you may elect to receive your notification via the U.S. Mail. You are not required to provide any personal information to receive your notification, but if you prefer to have your notification mailed, please voluntarily provide your name and mailing address: _____

NAME

ADDRESS

U.S. Consumer Product Safety Commission 901 Silver Saw Rd #195 Rolling Hills E
Disclosable records will be promptly provided. If disclosable records are not included with the written notification, the estimated date and time when the records will be available will be provided in the notification. **Your personal information is NOT REQUIRED to complete this request; however, you may provide it voluntarily to expedite this request.**

TRAFFIC COLLISION REPORT

HP 555 CARS PAGE 1 (REV 11-06) DPI 065

SPECIAL CONDITIONS PRIVATE PROPERTY FATAL	NUMBER PARKED 0	HIT & RUN PELOUT	CITY UNINCORPORATED	JUDICIAL DISTRICT PASO ROBLES SUPERIOR	LOCAL REPORT NUMBER 2007-11-0050
	NUMBER PULLED 1	HIT & RUN INVESTIGATOR	COUNTY SAN LUIS OBISPO	REPORTING DISTRICT 902	DAY OF WEEK THURSDAY

LOCATION	COLLISION OCCURRED ON: PRIVATE PROPERTY, 1130 HWY 58			MO 11/22/2007	DAY 2007	YEAR 1145	TIME (2400)	NCIC # 9740	OFFICER I.D. 012487
	MILEPOST INFORMATION:			GPS COORDINATES LATITUDE 35.35250°		LONGITUDE -119.9940°		PHOTOGRAPHS BY: BRITTON 12487	
	AT INTERSECTION WITH: <input checked="" type="checkbox"/> OR: 0.61 MILE(S) EAST OF SODA LAKE RD			STATE HWY REL <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO					

PARTY 1	DRIVER'S LICENSE NUMBER NONE	STATE CA	CLASS U	AIR BAG P	SAFETY EQUIP. H	VEH. YEAR 2006	MAKE / MODEL / COLOR YAM RINO 450 CAM	LICENSE NUMBER P76139	STATE CA
------------	---------------------------------	-------------	------------	--------------	--------------------	-------------------	--	--------------------------	-------------

DRIVER <input checked="" type="checkbox"/>	NAME (FIRST, MIDDLE, LAST) ASHLYN DELYNDA ROSASCHI VARGAS	OWNER'S NAME <input type="checkbox"/> SAME AS DRIVER STEVEN L. MURDOCK
FEEDBACK TRIAN	STREET ADDRESS 143 VINE STREET	OWNER'S ADDRESS <input type="checkbox"/> SAME AS DRIVER 7995 COROMAR ATASCADERO CA 93422
PARKED VEHICLE	CITY / STATE / ZIP PASO ROBLES CA 93446	DISPOSITION OF VEHICLE ON ORDERS OF: <input type="checkbox"/> OFFICER <input type="checkbox"/> DRIVER <input checked="" type="checkbox"/> OTHER

BICY. CLUB	SEX F	HAIR BRN	EYES BRN	HEIGHT 4-11	WEIGHT 95	MO 12/08/1995	DAY	YEAR	RACE W	PRIVATE PROPERTY LEFT AT SCENE
OTHER	HOME PHONE (805)239-4519		BUSINESS PHONE		PRIOR MECH. DEFECTS <input checked="" type="checkbox"/> NONE APP. <input type="checkbox"/> REFER TO NARRATIVE		VEHICLE IDENTIFICATION NUMBER: 5Y4J22Y66A000210			

INSURANCE CARRIER NONE	POLICY NUMBER	VEHICLE TYPE 06	DESCRIBE VEHICLE DAMAGE UNK <input type="checkbox"/> MOD <input type="checkbox"/> NONE <input type="checkbox"/> MAJOR <input type="checkbox"/> MINOR <input checked="" type="checkbox"/> ROLL-OVER <input type="checkbox"/>	SHADE IN DAMAGED AREA TP/W
DIR OF TRAVEL S	ON STREET OR HIGHWAY PRIVATE PROPERTY	SPEED LIMIT	CA _____ DOT _____	

PARTY 2	DRIVER'S LICENSE NUMBER	STATE	CLASS	AIR BAG	SAFETY EQUIP.	VEH. YEAR	MAKE / MODEL / COLOR	LICENSE NUMBER	STATE
------------	-------------------------	-------	-------	---------	---------------	-----------	----------------------	----------------	-------

DRIVER <input type="checkbox"/>	NAME (FIRST, MIDDLE, LAST)	OWNER'S NAME <input type="checkbox"/> SAME AS DRIVER
FEEDBACK TRIAN	STREET ADDRESS	OWNER'S ADDRESS <input type="checkbox"/> SAME AS DRIVER
PARKED VEHICLE	CITY / STATE / ZIP	DISPOSITION OF VEHICLE ON ORDERS OF: <input type="checkbox"/> OFFICER <input type="checkbox"/> DRIVER <input type="checkbox"/> OTHER

BICY. CLUB	SEX	HAIR	EYES	HEIGHT	WEIGHT	MO	BIRTHDATE DAY	YEAR	RACE	PRIOR MECHANICAL DEFECTS <input type="checkbox"/> NONE APP. <input type="checkbox"/> REFER TO NARRATIVE	
OTHER	HOME PHONE		BUSINESS PHONE		VEHICLE IDENTIFICATION NUMBER:		VEHICLE TYPE			DESCRIBE VEHICLE DAMAGE	SHADE IN DAMAGED AREA

INSURANCE CARRIER	POLICY NUMBER	VEH. YEAR	MAKE / MODEL / COLOR	LICENSE NUMBER	STATE
DIR OF TRAVEL	ON STREET OR HIGHWAY	SPEED LIMIT	CA _____ DOT _____		

PARTY 3	DRIVER'S LICENSE NUMBER	STATE	CLASS	AIR BAG	SAFETY EQUIP.	VEH. YEAR	MAKE / MODEL / COLOR	LICENSE NUMBER	STATE
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DRIVER <input type="checkbox"/>	NAME (FIRST, MIDDLE, LAST)	OWNER'S NAME <input type="checkbox"/> SAME AS DRIVER
FEEDBACK TRIAN	STREET ADDRESS	OWNER'S ADDRESS <input type="checkbox"/> SAME AS DRIVER
PARKED VEHICLE	CITY / STATE / ZIP	DISPOSITION OF VEHICLE ON ORDERS OF: <input type="checkbox"/> OFFICER <input type="checkbox"/> DRIVER <input type="checkbox"/> OTHER

BICY. CLUB	SEX	HAIR	EYES	HEIGHT	WEIGHT	MO	BIRTHDATE DAY	YEAR	RACE	PRIOR MECHANICAL DEFECTS <input type="checkbox"/> NONE APP. <input type="checkbox"/> REFER TO NARRATIVE	
OTHER	HOME PHONE		BUSINESS PHONE		VEHICLE IDENTIFICATION NUMBER:		VEHICLE TYPE			DESCRIBE VEHICLE DAMAGE	SHADE IN DAMAGED AREA

INSURANCE CARRIER	POLICY NUMBER	VEH. YEAR	MAKE / MODEL / COLOR	LICENSE NUMBER	STATE
DIR OF TRAVEL	ON STREET OR HIGHWAY	SPEED LIMIT	CA _____ DOT _____		

PREPARER'S NAME G. F. BRITTON 012487	DISPATCH NOTIFIED <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A	REVIEWER'S NAME P. KNOX 11615	DATE REVIEWED 12/12/07
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2007-11-0050

DATE OF COLLISION (MO. DAY YEAR) /22/2007	TIME (2400) 1145	NOIC # 9740	OFFICER I.D. 012487	NUMBER 2007-11-0050
OWNER	OWNER ADDRESS			NOTIFIED <input type="checkbox"/> YES <input type="checkbox"/> NO
PROPERTY DAMAGE	DESCRIPTION OF DAMAGE			

SEATING POSITION  1 - DRIVER 2 TO 6 - PASSENGERS 7 - STA. WGN REAR 8 - RR. OCC TRK. OR VAN 9 - POSITION UNKNOWN 0 - OTHER	OCCUPANTS A - NONE IN VEHICLE B - UNKNOWN C - LAP BELT USED D - LAP BELT NOT USED E - SHOULDER HARNESS USED F - SHOULDER HARNESS NOT USED G - LAP/SHOULDER HARNESS USED H - LAP/SHOULDER HARNESS NOT USED J - PASSIVE RESTRAINT USED K - PASSIVE RESTRAINT NOT USED	SAFETY EQUIPMENT L - AIR BAG DEPLOYED M - AIR BAG NOT DEPLOYED N - OTHER P - NOT REQUIRED CHILD RESTRAINT Q - IN VEHICLE USED R - IN VEHICLE NOT USED S - IN VEHICLE USE UNKNOWN T - IN VEHICLE IMPROPER USE U - NONE IN VEHICLE	M/C BICYCLE - HELMET DRIVER PASSENGER V - NO X - NO W - YES Y - YES EJECTED FROM VEHICLE 0 - NOT EJECTED 1 - FULLY EJECTED 2 - PARTIALLY EJECTED 3 - UNKNOWN	INATTENTION CODES A - CELL PHONE HANDHELD B - CELL PHONE HANDSFREE C - ELECTRONIC EQUIPMENT D - RADIO / CD E - SMOKING F - EATING G - CHILDREN H - ANIMALS I - PERSONAL HYGIENE J - READING K - OTHER
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ITEMS MARKED BELOW FOLLOWED BY AN ASTERISK (*) SHOULD BE EXPLAINED IN THE NARRATIVE.

PRIMARY COLLISION FACTOR LIST NUMBER (1) OF PARTY AT FAULT	TRAFFIC CONTROL DEVICES	1 2 3			SPECIAL INFORMATION	1 2 3			MOVEMENT PRECEDING COLLISION
		A	B	C		A	B	C	
A VC SECTION VIOLATED: CITED <input type="checkbox"/> YES <input type="checkbox"/> NO	A CONTROLS FUNCTIONING				A HAZARDOUS MATERIAL				A STOPPED
1 B OTHER IMPROPER DRIVING* UNSAFE TURNING	B CONTROLS NOT FUNCTIONING*				B CELL PHONE HANDHELD IN USE				B PROCEEDING STRAIGHT
	C CONTROLS OBSCURED				C CELL PHONE HANDSFREE IN USE				C RAN OFF ROAD
C OTHER THAN DRIVER*	D NO CONTROLS PRESENT / FACTOR*		X		D CELL PHONE NOT IN USE		X		D MAKING RIGHT TURN
D UNKNOWN*	TYPE OF COLLISION				E SCHOOL BUS RELATED				E MAKING LEFT TURN
WEATHER (MARK 1 TO 2 ITEMS)	A HEAD-ON				F 75 FT MOTORTRUCK COMBO				F MAKING U TURN
	B SIDE SWIPE				G 32 FT TRAILER COMBO				G BACKING
	C REAR END				H				H SLOWING / STOPPING
	D BROADSIDE				I				I PASSING OTHER VEHICLE
X A CLEAR	E HIT OBJECT				J				J CHANGING LANES
B CLOUDY	F OVERTURNED				K				K PARKING MANEUVER
C RAINING	G VEHICLE / PEDESTRIAN				L				L ENTERING TRAFFIC
D SNOWING	H OTHER*				M				M OTHER UNSAFE TURNING
E FOG / VISIBILITY FT.	MOTOR VEHICLE INVOLVED WITH				N				N XING INTO OPPOSING LANE
F OTHER*	X A NON-COLLISION				O				O PARKED
G WIND	B PEDESTRIAN				P				P MERGING
LIGHTING		C OTHER MOTOR VEHICLE			Q				Q TRAVELING WRONG WAY
X A DAYLIGHT	D MOTOR VEHICLE ON OTHER ROADWAY		1	2	3	OTHER ASSOCIATED FACTORS (MARK 1 TO 2 ITEMS)			
B DUSK - DAWN	E PARKED MOTOR VEHICLE					A VC SECTION VIOLATED: CITED <input type="checkbox"/> YES <input type="checkbox"/> NO			
C DARK - STREET LIGHTS	F TRAIN					B VC SECTION VIOLATED: CITED <input type="checkbox"/> YES <input type="checkbox"/> NO			
D DARK - NO STREET LIGHTS	G BICYCLE					C VC SECTION VIOLATED: CITED <input type="checkbox"/> YES <input type="checkbox"/> NO			
E DARK - STREET LIGHTS NOT FUNCTIONING*	H ANIMAL:								
ROADWAY SURFACE		I FIXED OBJECT:							
X A DRY	J OTHER OBJECT:								
B WET	PEDESTRIAN'S ACTIONS								
C SNOWY - ICY	X A NO PEDESTRIANS INVOLVED								
D SLIPPERY (MUDDY, OILY, ETC.)	B CROSSING IN CROSSWALK AT INTERSECTION								
ROADWAY CONDITION(S) (MARK 1 TO 2 ITEMS)		C CROSSING IN CROSSWALK - NOT AT INTERSECTION							
A HOLES, DEEP RUT*	D CROSSING - NOT IN CROSSWALK								
B LOOSE MATERIAL ON ROADWAY*	E IN ROAD - INCLUDES SHOULDER								
C OBSTRUCTION ON ROADWAY*	F NOT IN ROAD								
D CONSTRUCTION - REPAIR ZONE	G APPROACHING / LEAVING SCHOOL BUS								
E REDUCED ROADWAY WIDTH									
F FLOODED*									
G OTHER*									
X H NO UNUSUAL CONDITIONS									

SKETCH FOR SKETCH DIAGRAM, SEE PAGE 4

SEE PAGE 4.

INDICATE NORTH

MISCELLANEOUS

2007-11-0050

STATE OF CALIFORNIA
INJURED / WITNESSES / PASSENGERS
HP 555 CARS PAGE 3 (REV 11-06) OPI 065

DATE OF COLLISION (MO. DAY YEAR) 1/22/2007		TIME(2400) 1145	NCIC # 9740	OFFICER I.D. 012487	NUMBER 2007-11-0050													
WITNESS ONLY	PASSENGER ONLY	AGE	SEX	EXTENT OF INJURY ('X' ONE)				INJURED WAS ('X' ONE)					PARTY NUMBER	SEAT POS.	AIR BAG	SAFETY EQUIP.	EJECTED	
				FATAL INJURY	SEVERE INJURY	OTHER VISIBLE INJURY	COMPLAINT OF PAIN	DRIVER	PASS.	PED.	BIKELANT	OTHER						
<input checked="" type="checkbox"/>	<input type="checkbox"/>	11	F	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	1	1	P	H	1				

NAME / D.O.B. / ADDRESS
 ASHLYN DELYNDA ROSASCHI VARGAS (12/08/1995) 143 VINE STREET PASO ROBLES CA 93446
 TELEPHONE (805)239-4519

INJURED ONLY) TRANSPORTED BY: TAKEN TO:

DESCRIBE INJURIES: FATAL HEAD INJURY TO LEFT SIDE OF HEAD, (DAPRESSED SKULL FRACTURE).
 SHE WAS PRONOUNCED ON 11/22/2007 AT 1249 HOURS AT SCENE, PER DR. FRY.

CORONER CASE# 0711-10443

<input checked="" type="checkbox"/>	<input type="checkbox"/>	912	F	<input type="checkbox"/>															
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NAME / D.O.B. / ADDRESS
 KAYLA HUFFMAN (01/31/1095) 2017 RIVERSIDE APT. #1 PASO ROBLES CA 93446
 TELEPHONE (805)226-8570

(INJURED ONLY) TRANSPORTED BY: TAKEN TO:

DESCRIBE INJURIES:

<input type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/>															
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NAME / D.O.B. / ADDRESS

(INJURED ONLY) TRANSPORTED BY: TAKEN TO:

DESCRIBE INJURIES:

<input type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/>															
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NAME / D.O.B. / ADDRESS

(INJURED ONLY) TRANSPORTED BY: TAKEN TO:

DESCRIBE INJURIES:

<input type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/>															
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NAME / D.O.B. / ADDRESS

(INJURED ONLY) TRANSPORTED BY: TAKEN TO:

DESCRIBE INJURIES:

<input type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/>															
--------------------------	--------------------------	--	--	--------------------------	--------------------------	--------------------------	--------------------------	--------------------------	--------------------------	--------------------------	--------------------------	--------------------------	--------------------------	--------------------------	--------------------------	--------------------------	--------------------------	--------------------------	--------------------------

NAME / D.O.B. / ADDRESS

(INJURED ONLY) TRANSPORTED BY: TAKEN TO:

DESCRIBE INJURIES:

<input type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/>															
--------------------------	--------------------------	--	--	--------------------------	--------------------------	--------------------------	--------------------------	--------------------------	--------------------------	--------------------------	--------------------------	--------------------------	--------------------------	--------------------------	--------------------------	--------------------------	--------------------------	--------------------------	--------------------------

NAME / D.O.B. / ADDRESS

(INJURED ONLY) TRANSPORTED BY: TAKEN TO:

DESCRIBE INJURIES:

PREPARER'S NAME G. F. BRITTON	I.D. NUMBER 012487	MO. DAY YEAR 11/22/2007	REVIEWER'S NAME	MO. DAY YEAR
----------------------------------	-----------------------	----------------------------	-----------------	--------------

2007-11-0050

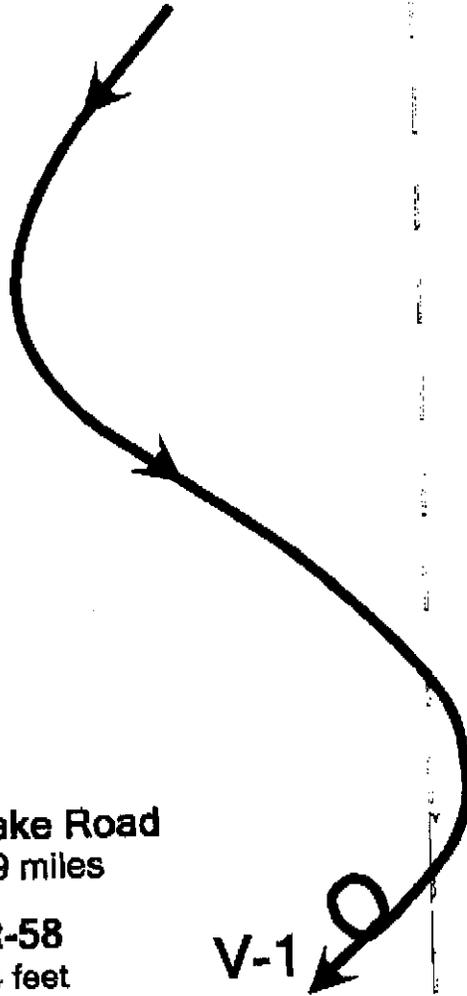
STATE OF CALIFORNIA
FACTUAL DIAGRAM CHP 555

DATE OF COLLISION (MO. DAY YEAR)	TIME (2400)	TRUCK #	OFFICER I.D.	NUMBER
	1145	9740	12487	2007-11-0050

ALL MEASUREMENTS ARE APPROXIMATE AND NOT TO SCALE UNLESS STATED (SCALE = 1" = 20')

Sketch

California Valley



Ranch Property
11030 Highway 58

Open Pasture

↖ Soda Lake Road
0.69 miles

SR-58
384 feet

↘

V-1

Reference Point
GPS Located
x
Lat: 35.35250 Long: -119.9940

2007-11-0050

PREPARED BY G. Britton	I.D. NUMBER 12487	MO. DAY YEAR	REVIEWER'S NAME	MO. DAY YEAR
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STATE OF CALIFORNIA
FACTUAL DIAGRAM CHP 555

Page 4 (Rev. 8-97) DPI 042

DATE OF COLLISION (MO. DAY YEAR)
12/11/2007

TIME (2400)
1145

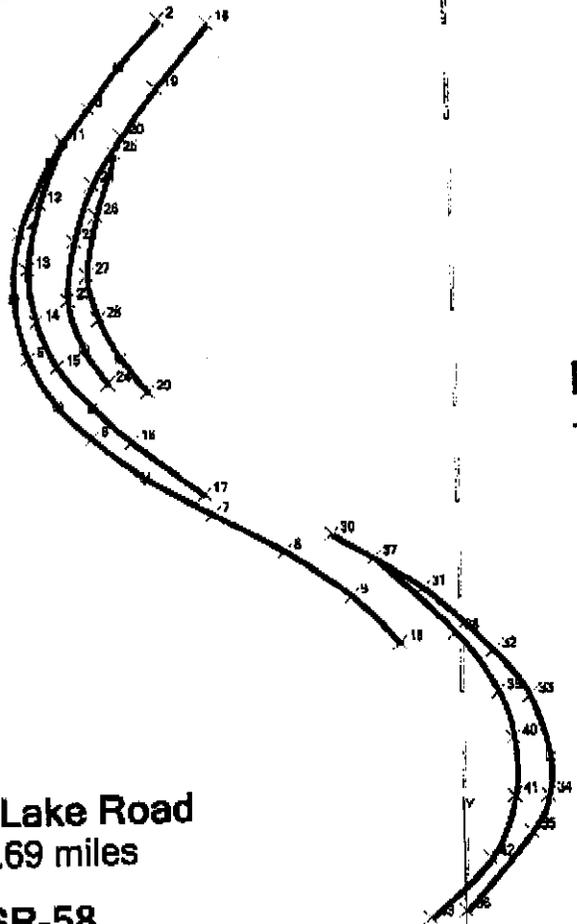
NCIC #
9740

OFFICER I.D.
12487

NUMBER
2007-11-0050

ALL MEASUREMENTS ARE APPROXIMATE AND NOT TO SCALE UNLESS STATED (SCALE = 1" = 20')

California Valley



Ranch Property
11030 Highway 58

Open Pasture

← Soda Lake Road
0.69 miles

SR-58
384 feet
↘

Reference Point
GPS Located
Lat: 35.35250 Long: -119.9940

2007-11-0050

PREPARED BY G. Britton	I.D. NUMBER 12487	MO. DAY YEAR 12/11/2007	REVIEWER'S NAME	MO. DAY YEAR 12/11/2007
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STATE OF CALIFORNIA
FACTUAL DIAGRAM

CHP 555 Page 4 (Rev. 8-97) OPI 042

DATE OF INCIDENT 11/22/2007	TIME 1145	NCIC NUMBER 9740	OFFICER I.D. 012487	NUMBER 2007-11-0050
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Legend

Measurement Data Log

File Number	2007-11-0050	Scene Measured By	Officer G. Britton
Incident Date/Time	22-Nov-2007 11:45 AM	ID Number (measured by)	12487
Incident Location	11030 Highway 58 California Valley	Scene Assisted By	Officer Draper and Perotti
Date Measured On	23-Nov-2007	ID Number (assisted by)	12698 and 16180
Weather Description	Clear	Reference Point Description	H-70 GPS
Road Description	Dirt - Dry	Secondary Reference Point	Lat 35.35250 Long -119.9940
		Visibility Description	Unlimited

Point	X	Y	Z	Description
1	0.0	0.0	0.0	Reference Point
2	-30.2	102.2	0.0	Start dirt tire mark1
3	-37.8	93.1	0.0	Spot on mark1
4	-45.2	80.3	0.0	Spot on mark1
5	-44.6	67.1	0.0	Spot on mark1
6	-39.1	58.5	0.0	Spot on mark1
7	-25.7	50.3	0.0	Spot on mark1
8	-18.3	46.2	0.0	Spot on mark1
9	-11.3	41.3	0.0	Spot on mark1
10	-6.3	36.2	0.0	End dirt tire mark1
11	-40.5	89.7	0.0	Start dirt tire mark2
12	-43.0	83.3	0.0	Spot on mark2
13	-44.4	76.5	0.0	Spot on mark2
14	-43.7	70.9	0.0	Spot on mark2
15	-41.8	66.1	0.0	Spot on mark2
16	-34.0	58.1	0.0	Spot on mark2
17	-26.6	52.3	0.0	End dirt tire mark2
18	-25.1	101.7	0.0	Start dirt tire mark3
19	-30.6	95.0	0.0	Spot on mark3
20	-34.3	90.1	0.0	Spot on mark3
21	-37.5	85.2	0.0	Spot on mark3
22	-39.5	79.3	0.0	Spot on mark3
23	-40.3	73.1	0.0	Spot on mark3
24	-36.3	64.2	0.0	End dirt tire mark3
25	-35.0	88.3	0.0	Start dirt tire mark4
26	-37.1	81.9	0.0	Spot on mark4
27	-38.3	75.7	0.0	Spot on mark4
28	-37.1	71.1	0.0	Spot on mark4

2007-11-0050

FACTUAL DIAGRAM

CIP 555 Page 4 (Rev. 8-97) OPI 042

DATE OF INCIDENT 11/22/2007	TIME 1145	NCIC NUMBER 9740	OFFICER I.D. 012487	NUMBER 2007-11-0050
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Point	X	Y	Z	Description
28	-37.1	71.1	0.0	Spot on mark4
29	-32.2	63.3	0.0	End dirt tire mark4
30	-13.3	47.9	0.0	Start dirt tire mark5
31	-3.7	42.0	0.0	Spot on mark5
32	3.5	35.2	0.0	Spot on mark5
33	7.2	30.4	0.0	Spot on mark5
34	8.9	20.0	0.0	Spot on mark5
35	7.1	16.2	0.0	Spot on mark5
36	0.1	8.1	0.0	End dirt tire mark5
37	-8.8	45.3	0.0	Start dirt tire mark6
38	-0.4	37.2	0.0	Spot on mark6
39	4.0	30.9	0.0	Spot on mark6
40	5.4	26.1	0.0	Spot on mark6
41	5.4	20.0	0.0	Spot on mark6
42	2.7	13.5	0.0	Spot on mark6
43	-3.7	7.4	0.0	End dirt tire mark6

2007-11-0050

NARRATIVE/SUPPLEMENTAL

DATE OF INCIDENT	TIME	NCIC NUMBER	OFFICER I.D.	NUMBER
11/22/2007	1145	9740	012487	2007-11-0050

1 **FACTS:**

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NOTIFICATION:

On Thursday, November 22, 2007, at 1157 hours, CHP helicopter H-70 received information of an off-road All Terrain Vehicle traffic collision north of SR-58 east of Soda Lake Road. Responding from the Paso Robles Airport, Pilot/Officer G. Draper ID# 12698 and Paramedic/Flight Officer D. Perotti ID#16180 arrived on scene at 1232 hours.

All references to time, speed, and distance are approximate. Measurements/Location was obtained by H-70's GPS mapping system.

SCENE:

This collision occurred on private property located at 11030 Highway 58, California Valley. The collision was approximately 384 feet north of the north roadway edge of Highway 58 and 0.61 miles east of the east roadway edge prolongation of Soda Lake Road. The property at this location was level, unimproved, pasture with no unusual terrain hazards noted. The scene was located in San Luis Obispo County. Refer to 2003 Thomas Guide page 345/L1. The collision occurred during daylight hours and the weather was clear, cool and dry.

PARTY 1—ASHLYN VARGAS:

Ms. Vargas was located and attended to by CDF and CHP Paramedic personnel west of Vehicle 1. She was determined to be the operator of Vehicle 1 by witness statements, her proximal location to Vehicle 1, and her injuries. Ms. Vargas was identified by CDF personnel on scene. Upon CHP arrival CPR had been in progress for approximately 40 minutes. Paramedic Perotti, upon arrival, assumed patient care and after careful evaluation contacted Twin Cities Hospital for consultation with Dr. Fry. Ms. Vargas was pronounced dead at 1249 hours. San Luis Obispo County Sheriff Department Deputy Jeff Nickols arrived on scene and arranged for transportation.

VEHICLE 1—YAMAHA RHINO 450:

Vehicle 1 was moved from its original location prior to CHP arrival. Vehicle 1 sustained only minor damage in the form of scratches to the top driver's side roll bar and canopy. Vehicle 1 was secured and inspected by San Luis Obispo Deputies. Vehicle 1 was equipped with standard three point seatbelts for both driver and passenger seats.

2007-11-0050

PREPARED BY	I.D. NUMBER	DATE	REVIEWER'S NAME	DATE
G. F. BRITTON	012487	11/22/2007		

NARRATIVE/SUPPLEMENTAL

DATE OF INCIDENT	TIME	NCIC NUMBER	OFFICER I.D. NUMBER
11/22/2007	1145	9740	012487

2007-11-0050

1 STATEMENTS:

2
3 PARTY 1—VARGAS:

4
5 No statement obtained.

6
7 WITNESS 1—HUFFMAN:

8 Ms. Huffman related that she and Ashlyn woke up late that morning around 9:00 am for
9 their trip to the ranch. They arrived at the ranch after 10:00 am and were anticipating a full
10 day of playing and riding the ranch vehicles (ATV's). The first thing both of girls wanted to
11 do after they arrived at the ranch was to ride the ATV's. Tim Camack (Ms. Huffman's
12 father), took the girls for a short ride instructing them on how to operate the ATV's. Later
13 the girls were out on their own riding a quad runner ATV and driving V-1. At one point Mr.
14 Camack felt they were riding too far from the ranch house and directed them back closer to
15 the house. Ms. Huffman and Ashlyn had been trading back and forth between the two
16 vehicles prior the collision. Ms. Huffman was riding the quad runner ahead of Ashlyn, who
17 was driving V-1, when she heard a crash. Ms. Huffman looked back and saw V-1 on its
18 side and on top of Ashlyn. She immediately ran to her aid and attempted to call 911 with a
19 cell phone. She was unable to get a clear connection with the 911 operator and was
20 unable to obtain a signal to call the house. She then went back to the house and told her
21 father, Mr. Camack, what had happened. Mr. Camack drove down to the scene, moved V-
22 1 off of Ashlyn and began CPR.
23

24
25 OPINION AND CONCLUSIONS:

26
27 SUMMARY:

28 Ms. Vargas was driving Vehicle 1 in a southeasterly direction in a pasture east of Soda
29 Lake Road and north of Highway 58 at an unknown rate of speed. Ms. Vargas made a
30 sharp left turn which caused Vehicle 1 to slide slightly in a counter clockwise direction. Ms.
31 Vargas overcorrected the steering input to the right, which caused the vehicle's weight to
32 transfer back to the left. This abrupt weight transfer caused Vehicle 1 to roll over onto its
33 left side. During this rollover, Ms. Vargas was thrown from the vehicle and struck on the
34 head by Vehicle 1's roll bar. After the collision, Witness 1 quickly made her way back to the
35 house for help. A few minutes later Tim Camack Witness 1's father arrived on scene and
36 began CPR. Ms. Vargas was later pronounced dead by CHP Paramedic D. Perotti after a
37 phone consultation with Dr. Fry.
38
39

2007-11-0050

PREPARED BY	I.D. NUMBER	DATE	REVIEWER'S NAME	DATE
G. F. BRITTON	012487	11/22/2007		

STATE OF CALIFORNIA

PAGE 10 OF 10

NARRATIVE/SUPPLEMENTAL

DATE OF INCIDENT
11/22/2007

TIME
1145

NCIC NUMBER
9740

OFFICER I.D.
012487

NUMBER
2007-11-0050

AREA OF IMPACT (AOI):

The AOI was located by GPS coordinates as Latitude 35.35350 and Longitude -119.9940.
The AOI was based on physical evidence (dirt tire marks) and the statement of Witness 1.

CAUSE:

Ms. Vargas caused this collision by making an unsafe turning movement to the right. This turning movement produced enough force to fully eject Ms. Vargas from the vehicle. In addition, Vehicle 1's seatbelt did not appear to have been in use at the time of the collision.

RECOMMENDATIONS:

None.

2007-11-0050

PREPARED BY
G. F. BRITTON

I.D. NUMBER
012487

DATE
11/22/2007

REVIEWER'S NAME

DATE

**SAN LUIS OBISPO COUNTY
SHERIFF-CORONER DEPARTMENT
P.O. BOX 32
SAN LUIS OBISPO, CA 93406**

CORONER'S REPORT

FILE NO. 15609

DECEDENT: Vargas, Ashlyn Delynda (WF)
Age: 12 **DOB:** 05-08-1995
CDL: N/A **SSN:** 609-82-9764

RESIDENCE ADDRESS: 143 Vine Street
Paso Robles, CA 93446

NEXT OF KIN: Primo Vargas III
Michelle Huffman (Parents)
518 5th Street
Paso Robles, CA 93446
(805) 239-4519

LOCAL CONTACT: Same As Above

DATE/TIME OF DEATH: 11-22-2007 / 1249 Hours

LOCATION OF DEATH: 11030 Carissa Highway
California Valley, CA 93453

REGULAR PHYSICIAN: Dr. Julie Anselmo
1320 Las Tablas Rd. #D
Templeton, CA 93465
(805) 434-3796

MEDICAL HISTORY: Epilepsy

AUTOPSY SURGEON: Dr. Burr Hartman
San Luis Obispo County Coroner Department
P.O. Box 32
San Luis Obispo, CA 93406
(805) 781-4500

CAUSE OF DEATH: Blunt Force Trauma (Immediate)

MANNER OF DEATH: Accident

LOCAL MORTUARY: Blue Sky Cremation Service
1591 Stormy Way
Paso Robles, CA 93446
(805) 226-9478

INVESTIGATION

Other Investigating Agencies:

California Highway Patrol – Templeton
Case # 2007-11- 0050 / Officer G. Britton

On 11-22-2007, I assumed jurisdiction and investigation of the death of Ashlyn DeLynda Vargas pursuant to California Government Code Section 27491 as it relates to deaths due to an accident.

On 11-22-2007 at approximately 1315 hours, Deputy Goosens responded to a fatal accident involving a single off highway vehicle in California Valley. The accident occurred on private property located at 11030 Carrisa Highway. Upon arrival, Deputy Goosens contacted CDF Personnel D. Fowler and M. Ruiz. Also present were Officers Drake and Perotti of CHP Helicopter 70. Deputy Goosens was directed to the decedent identified as twelve year old Ashlyn Vargas who was strapped to a backboard. The decedent had been operating an off road ATV known as a Rhino in which the operator rides in one of two seats side by side with a steering wheel to turn. The vehicle has a roll cage over the passenger compartment and seatbelt waist and shoulder restraints for the occupants. The decedent was riding in an open pasture with a twelve year old cousin, K. Huffman, following in an ATV. The decedent made a series of S turns causing her to overturn and become partially ejected with the ATV coming to rest on top of the lower half of her body. The decedent was not wearing protective gear or a helmet and was not seat belted. Life saving efforts were attempted but were unsuccessful and she succumbed to her injuries. Vargas was pronounced dead at the scene at 1249 hours via hospital consultation with Dr. Frye (refer to deputy Goosens report for additional details).

Detective MacDonald and I arrived on scene at approximately 1502 hours. Upon arrival, I contacted Deputy Goosens and Officers Drake and Perotti of CHP. I noted a green camouflage Yamaha Rhino ATV in the pasture close to CHP H-70 which had landed near by. I examined and photographed the decedent who was laying on a backboard near H-70. Upon examination of the decedent, I noted her to be of typical height and weight for her age, she had blood on her face and head, beginning stages of lividity were present with no rigor mortis. Palpitation of the extremities did not reveal any notable fractures, however, palpitation of the head and neck revealed significant injury. I noted a depression in the skull behind the left ear that appeared to be a skull fracture. During the examination of the head, I noted that she had a possible fracture of the cervical vertebrae.

After examination of the decedent, I surveyed and photographed the accident scene. The Yamaha Rhino, License # P76139, was parked with the key in the ignition. The Rhino had been moved forward several feet from its point of rest to care for the decedent. Upon examination of the vehicle, I found it to be in proper working order. There were numerous superficial scratches on the vehicle, but no significant damage. The vehicle started and ran, the brakes worked, the steering was operational and appeared to be without defect, the transmission worked both forward and reverse and both seat belts were functioning. It should be noted, the drivers seatbelt buckle was pushed down between the seat and the center console. Some effort had to be used to pull the buckle free to make it available for use. I later drove the Rhino back to the house located at 11030 Carrisa Highway and found it to drive properly. Track marks could be seen in the pasture preceding the point of the accident. The track marks were in a loose S pattern indicating the operator made turns from side to side. It appears the driver turned to the right causing the Rhino to tip over on its left side. The vehicle was returned to an upright position by people on scene rendering aid to the decedent. All photographs of the decedent and the scene were later downloaded into the case file. Blue Sky Mortuary responded and made removal of the decedent.

I contacted Robert Lewis, the resident and property owner of the eight thousand acre ranch where the accident occurred. Lewis said the decedent and her cousin were brought out to the property by K. Huffman's father, Tim Camock. Lewis said the decedent and Huffman were riding the Rhino and a ATV for three to four hours prior to the accident. Lewis said he did not know the experience level of the decedent, but believed she had some experience operating an ATV. Lewis said he was at the house when Huffman came and told he and Camock the decedent had an accident. Lewis went with Camock to help and found the decedent pinned under the Rhino unresponsive and not breathing. Lewis said he and Camock performed CPR after removing the Rhino until EMS arrived.

After leaving the scene, I contacted Camock and Huffman via telephone. Huffman said she and the decedent were riding in the open field. The decedent was driving the Rhino and she was riding an ATV. As they traveled South in the pasture, Huffman was in front of the decedent. Huffman said she slowed because of the bumpy terrain ahead. As she did, she looked back and saw a cloud of dust behind her. Huffman went back to investigate and found the decedent lying unconscious and not breathing with blood emanating from her mouth. Unable to help the decedent, Huffman yelled for help, but did not get a response. She went to the house to get help for the decedent and remained there as people went to help.

Camock said he took the girls out to the ranch for a few hours to ride the ATV's. Initially, the girls were too far away from the house while riding so he told them to stay within eyesight of the house. A short time later he was made aware of the accident and went to help along with Lewis. When he got to the decedent, they lifted the Rhino off of her and found her unresponsive and not breathing with blood emanating from the mouth. Camock and Lewis initiated CPR and continued until EMS arrived. Camock said as they performed chest compressions, blood would exit the mouth although, he could not see any visible signs of injury.

On 11-28-2007 at 0843 hours, a medical examination of Ashlyn Vargas was conducted by Forensic pathologist, Dr. Burr Hartman, at the Los Osos Mortuary. During the medical examination, additional photographs of Ashlyn Vargas were taken and subsequently downloaded into the case record. The medical examination revealed the cause of the death to be **Blunt Force Trauma** (see autopsy report).

During the medical examination, toxicology specimens consisting of blood and vitreous humor were collected. These were later submitted to the Central Valley Toxicology Laboratory for analysis. The results of the analysis revealed only the presence of Valproic Acid a commonly used medication for seizure disorders (see toxicology report).

No photographs or records referred to in this report will be released as part of this report pursuant to State and Federal Confidentiality Laws.

DISPOSITION OF PERSONAL PROPERTY

None of the decedent's personal property was seized by the Coroner Department.

Coroner Case # 15609
Decedent: Vargas, Ashlyn DeLynda

CLOSING STATEMENT

Based upon the investigation and review of the case file, I ascribe the manner of death as **Accident** and the cause of death as **Blunt Force Trauma (Immediate)**. I subsequently completed and signed the Certificate of Death as the aforementioned manner and cause.

Jeff Nichols, Deputy Coroner #0897

DWK 01-08-08

GARY A. WALTER, M.D.
BURR HARTMAN, D.O., Ph.D.
JUE-RONG ZHANG, M.D., Ph.D.
CONSULTANTS IN PATHOLOGY
Web Site: www.microcorre.com

MICROCORRE DIAGNOSTIC LABORATORY

Diagnostic Correlation for the Practicing Physician
email: lab@microcorre.com

559.686.4000
FAX - 559.686.9432
PORTERVILLE - 559.781.7313
890 CHERRY ST., TULARE, CA 93274

Decedent: VARGAS, Ashlyn D. Age: 12 YEARS Sex: Female	Accession #: A07-000639	
Prosecutor: Burr Hartman, D.O., Ph.D.	Autopsy Location: Los Osos Valley Mortuary Responsible Party: San Luis Obispo Coroner	Expired Date: 11/22/2007 Expired Time: 12:49PM Autopsy Date: 11/28/2007 Autopsy Time: 8:45AM Reported Date: 01/04/2008

FINAL AUTOPSY REPORT

CAUSE OF DEATH:

BLUNT FORCE TRAUMA (IMMEDIATE)

BCH/ima 11/28/2007



Burr Hartman, D.O., Ph.D.

TOXICOLOGY:

Specimen: Subclavian Blood Sample

Complete Drug Screen: Valproic Acid = 32.2 mg/L (Effective level 50 - 100 mg/L).
Specific drug assay for THC performed.
No other common acidic, neutral or basic drugs detected.
No blood Ethyl Alcohol detected.

COMMENT: Blood valproic acid concentration is subtherapeutic. BCH

GROSS FINDINGS:

INTRODUCTION:

I performed an external examination on a body identified to me as Ashlyn De Linda Vargas, age 12, San Luis Obispo County Coroner's case (15610) done at Los Osos Valley Mortuary in Los Osos, California on November 28, 2007. The examination began at 0845 hours. Present and assisting was Detective Jeff Nichols of the San Luis Obispo County Sheriff Coroner's Office. Prior to the examination, central blood, subclavian blood and vitreous humor had been obtained for

toxicologic examination. From the external anatomic findings and pertinent history, I ascribe the death to blunt force trauma (immediate).

CIRCUMSTANCES:

The decedent was operator and sole occupant of an ATV that rolled over and ejected her. The accident was unwitnessed. She was found pinned under the vehicle from the waist down. She was pronounced dead at the scene. The decedent was reported to have had a seizure disorder, but not to have had recent seizures.

EXTERNAL EXAMINATION:

The body is that of a well-developed, well-nourished, Caucasian female appearing consistent with recorded age of 12 years. The body measures 5 feet ½ inch in height and weighs 95 pounds. There is minimal rigor mortis and posterior dependent lividity. The hair is brown and normal in amount and distribution for age. The eyes are brown in color. The oral cavity is unremarkable. The nose, ears and neck are without gross abnormalities. The thorax is symmetrical and of normal anteroposterior diameter. The breasts are those of a normal 12 year old female. The abdomen is flat and without gross abnormalities. The external genitalia are those of an adolescent female. The extremities appear normal in development and structure and are without edema, deformity or clubbing of the nails.

EXTERNAL EVIDENCE OF TRAUMA:

There are abrasions of the forehead and right side of the face. There is a depressed fracture of the left posterior skull. There is abnormal mobility of the upper neck consistent with a lethal fracture dislocation. There are abrasions of the right upper quadrant of the abdomen and superficial abrasions of the right upper back and left flank.

Because lethal injuries are documented which are consistent with the reported circumstances, the examination is terminated at this point.

BCH/ima 11/28/2007

Patient Name: VARGAS, Ashlyn D.

Accession #: A07-000639

DEC-11-2007 12:32

CVT

559 323 7502 P. 02



Case Name:

TOXICOLOGY NUMBER: CVT-07-13716

Vargas, Ashlyn D.
Specimen Description: 4 ml subclavian blood (gray top vial), 4 ml central blood & 0.5 ml vitreous humor each labeled "Vargas, Ashlyn D; SLSD; 15609; SLO; 11-28-07; 0845; J Nichols #897"

Delivered by	Date	Received by	Date
--------------	------	-------------	------

GSO	30-Nov-07	Bill Posey	30-Nov-07
-----	-----------	------------	-----------

Request: Complete Drug Screen 15609

Requesting Agency

Report To

S.L.O. Co. Sheriff's Office
Attn: Coroner's Division
P.O. Box 32
San Luis Obispo CA 93401

S.L.O. Co. Sheriff's Office
Attn: Coroner's Division
P.O. Box 32
San Luis Obispo CA 93401

RESULTS

Specimen: Subclavian Blood Sample

Complete Drug Screen: Valproic Acid detected.
Specific drug assay for THC performed.
No other common acidic, neutral or basic drugs detected.
No blood Ethyl Alcohol detected.

Cannabinoids (THC metabolite) by Immunoassay = Negative

Valproic Acid = 32.2 mg/L

Blood Valproic Acid Ranges
Effective Level: (50 - 100 mg/L)
Potentially Toxic: (150 - 200 mg/L)


B. L. Posey

December 06, 2007

Analyst

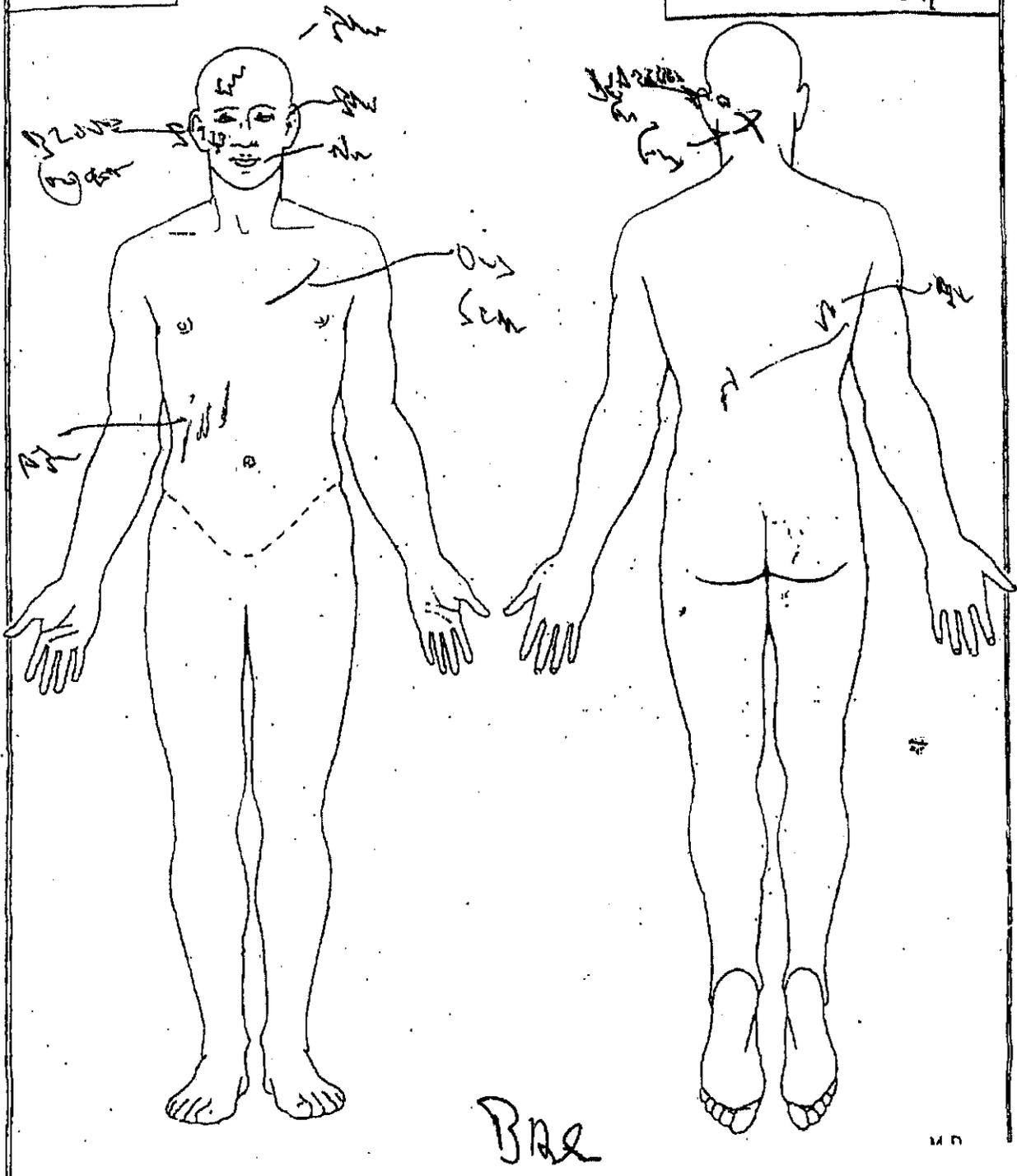
B.L. POSEY
S.L.M. KIMBLE
Directors

1580 Tidwell Road
Crescent, California 93811
Phone (559) 323-8940
Fax (559) 323-7502

DEPARTMENT OF CORONER

20

VARGAS, ASHLYN
11/28/07 0642



Contact Information

California Highway Patrol
Templeton Station (740)
101 Duncan Rd.
Templeton, CA 93465

Jeff Nichols, Deputy Coroner
San Luis Obispo County
Sheriff-Coroner Dept.
P.O. Box 32
San Luis Obispo. CA 93406

TASK NUMBER : 090325CWE8131

PRODUCT SEARCH HISTORY:

090126CCC3270
080905CNE3738
070430HNE2274
Doc. No. I0890076A
Doc. No. I08B0085A
Doc. No. H0940287A

INTERNAL USE ONLY



**U.S. CONSUMER PRODUCT SAFETY
COMMISSION**

WARNING - INTERNAL USE ONLY

Do not release this information outside CPSC

1. Task Number 090407CCC2512		2. Investigator's ID 8156		EPIDEMIOLOGIC INVESTIGATION REPORT
3. Office Code 840	4. Date of Accident YR MO DAY 2008 06 16	5. Date Initiated YR MO DAY 2009 04 10		
6. Synopsis of Accident or Complaint UPC The 49 year old male complainant was driving his four wheeled utility vehicle. He was following his wife who was driving an ATV. She stopped suddenly and he stepped on the brakes to avoid hitting her. The brakes locked and the utility vehicle turned over on its side. He sustained minor cuts to his face. MFR/PRVLBB NOTIFIED COMMENTS: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> OVERRULED; <input type="checkbox"/> ATTACHED <input checked="" type="checkbox"/> EXCISIONS/FOIA EXS. <u>25C</u> <input checked="" type="checkbox"/> DO NOT RE-NOTIFY <input type="checkbox"/> RE-NOTIFY 9/23/10 <i>lc</i>				
7. Location (Home, School, etc) 1 - HOME		8. City TWO HARBORS		9. State MN
10A. First Product 5044 - Utility Vehicles		10B. Trade/Brand Name ARCTIC CAT		10C. Model Number PROWLER 650 H1
10D. Manufacturer Name and Address ARCTCO P.O. Box 810 Thief River Falls, MN 56701				
11A. Second Product 0		11B. Trade/Brand Name NONE		11C. Model Number NONE
11D. Manufacturer Name and Address NONE				
12. Age of Victim 49	13. Sex 1 - Male	14. Disposition 1 - Injured, not Hosp.	15. Injury Diagnosis 53 - Cont./Abrab.	
16. Body Part(s) Involved 76 - FACE	17. Respondent 1 - Victim/Complainant	18. Type of Investigation 1 - On-Site	19. Time Spent (Operational / Travel) 16 / 7	
20. Attachment(s) 9 - Multiple Attachments		21. Case Source 07 - Consumer Complaint		22. Sample Collection Number
23. Permission to Disclose Name (Non NEISS Cases Only) <input checked="" type="radio"/> Yes <input type="radio"/> No <input type="radio"/> Verbal <input type="radio"/> Yes for Manuf. Only				
24. Review Date 05/06/2009	25. Reviewed By 8929		26. Regional Office Director Frank J. Nava	
27. Distribution Topka, Tanya			28. Source Document Number I0930794A	

090407CCC2512

SUMMARY

The 49 year old male complainant said they purchased a new Arctic Cat Prowler in January 2007. It is a four wheel utility vehicle that has a 641CC four stroke 4 valve engine. I have attached a specification sheet from the manufacturer on the utility vehicle.

The complainant lives in northern Minnesota on 80 acres of land and uses the utility vehicle getting around the property and for numerous chores including hauling wood. He said they paid close to \$10,000 for the utility vehicle. He said the utility vehicle was used almost daily.

He experienced no problems with the utility vehicle until April 2007. At this time while using it the front axle broke. It was taken back to the original dealer for repairs. It was still under warranty and they ended up replacing both the front and rear axles. They also replaced the drive shaft. He thought they also replaced the calipers and pads on the front and rear brakes. He couldn't locate any paper work on the repairs that had been done on his utility vehicle.

Shortly after getting the utility vehicle back from the dealer he noticed that it still wasn't running properly. He figured that the dealer didn't repair something properly and decided to take it to another Arctic Cat dealer. He brought the utility vehicle into:

JD Sports
Hermantown, MN

They told him that the original dealer (Gander Mountain) had put in the wrong axels and drive shaft for his utility vehicle. They replaced the axels and driveshaft which were still under warranty. They finally got a working utility vehicle in July 2007.

He said the utility vehicle was used around his property until June 16, 2008 without any problems. He added that they didn't put many miles on the utility vehicle and guessed that it was less than 500 miles.

On the day of the incident he and his wife were out driving on the gravel roadway which leads into their property. His wife was driving a four wheeled ATV and he was following on the utility vehicle. He said they were traveling at about 25 MPH down the gravel roadway when his wife braked very suddenly. He was close behind her so he also stepped on the brakes quickly to avoid hitting her ATV. He said his brakes locked up and wouldn't release. The rear of the utility vehicle spun out to the left and it turned over. The utility ended up on its side in the gravel roadway. Please see the attached photograph of the gravel roadway.

He was wearing the seat belt for the utility vehicle. He wasn't wearing any protective helmet. He crawled out the other side of the utility vehicle that was facing up. He sustained some minor contusions/abrasions to his face during the accident. They were not serious and didn't require any professional medical attention.

They were able to tip the utility vehicle upright and drive it back to the house. He said the frame and storage box on the back were bent during the incident. He said damage was estimated at over \$2700.

He was still able to drive the utility vehicle with the damage to it. He added that if he would quickly step on the brakes they would stick.

He said a short time later while driving the utility vehicle the transmission went out. He said pieces of metal got into the engine and it was also damaged. He said both the engine and transmission have to be repaired. He has contacted the dealer and the manufacturer and found out that the utility vehicle is not under warranty so he would have to pay for repairs. He said with all the problems he has had with this utility vehicle he doesn't think it would be worth it to fix it. The utility vehicle is sitting next to the house with the engine and transmission pulled.

PRODUCT IDENTIFICATION

The utility vehicle involved in this incident was purchased in January 2007 from:

Gander Mountain
4275 Haines Road
Hermantown, MN 55811

It identified as a 2007 Arctic Cat 650 H1 Prowler. Please see the attached specification sheet obtained from the manufacturer's website.

It is manufactured by:

Arctic Cat
601 Brooks Ave. South
Thief River Falls, MN 56701

Please see the attached photographs for a view of the complainant's Arctic Cat 650 H1 Prowler utility vehicle.

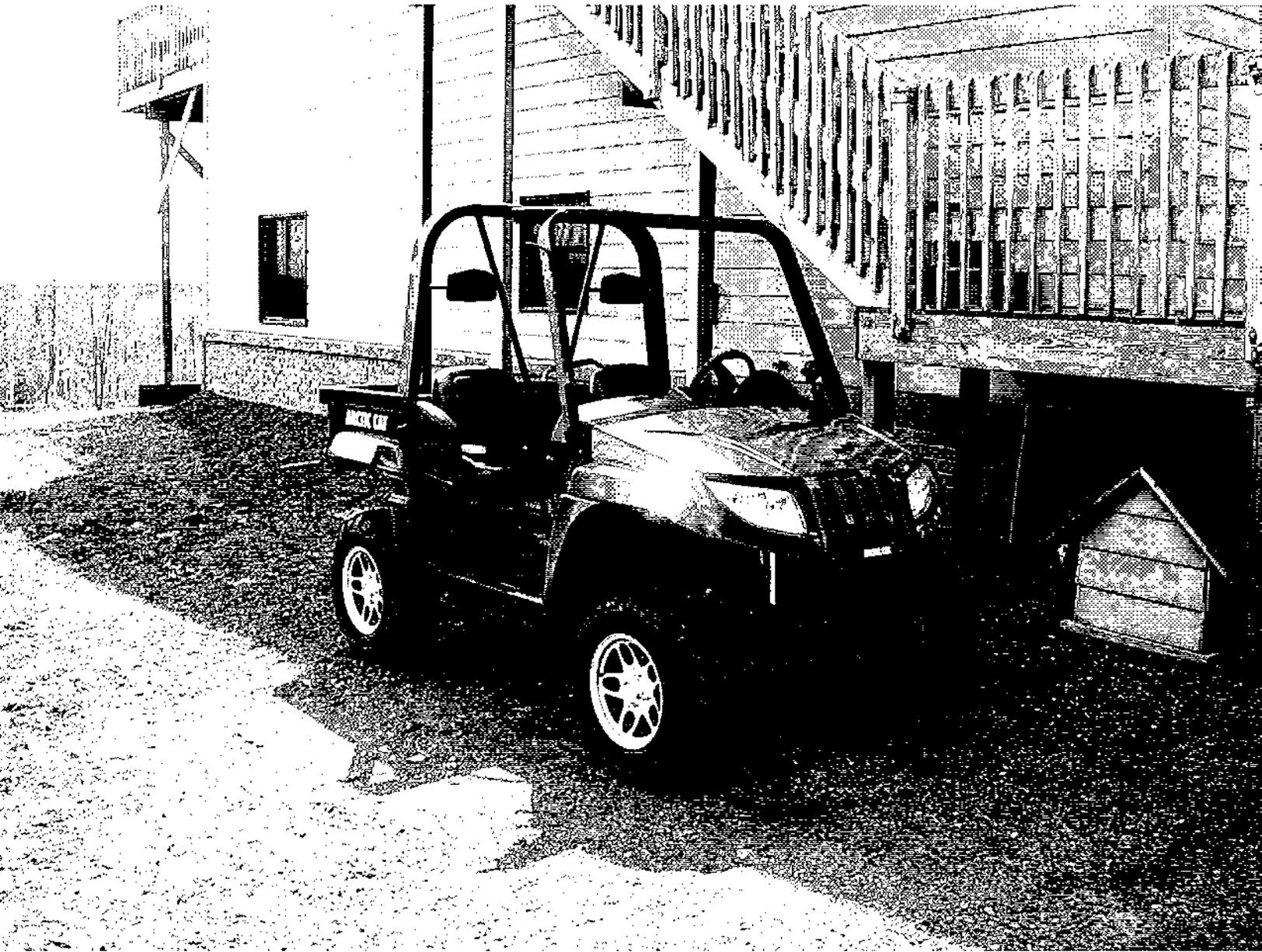
ATTACHMENTS

1. Photographs
2. Service Order on Repairs to Utility Vehicle
3. Specification Sheet on 650 H1 Prowler
4. Authorization for Release of Name
5. Contact Sheet

090407CCC2512

Attachment#1

Shows a view of the 2007 Arctic Cat Prowler.



090407CCC2512

Shows a front view of the Arctic Cat Prowler.



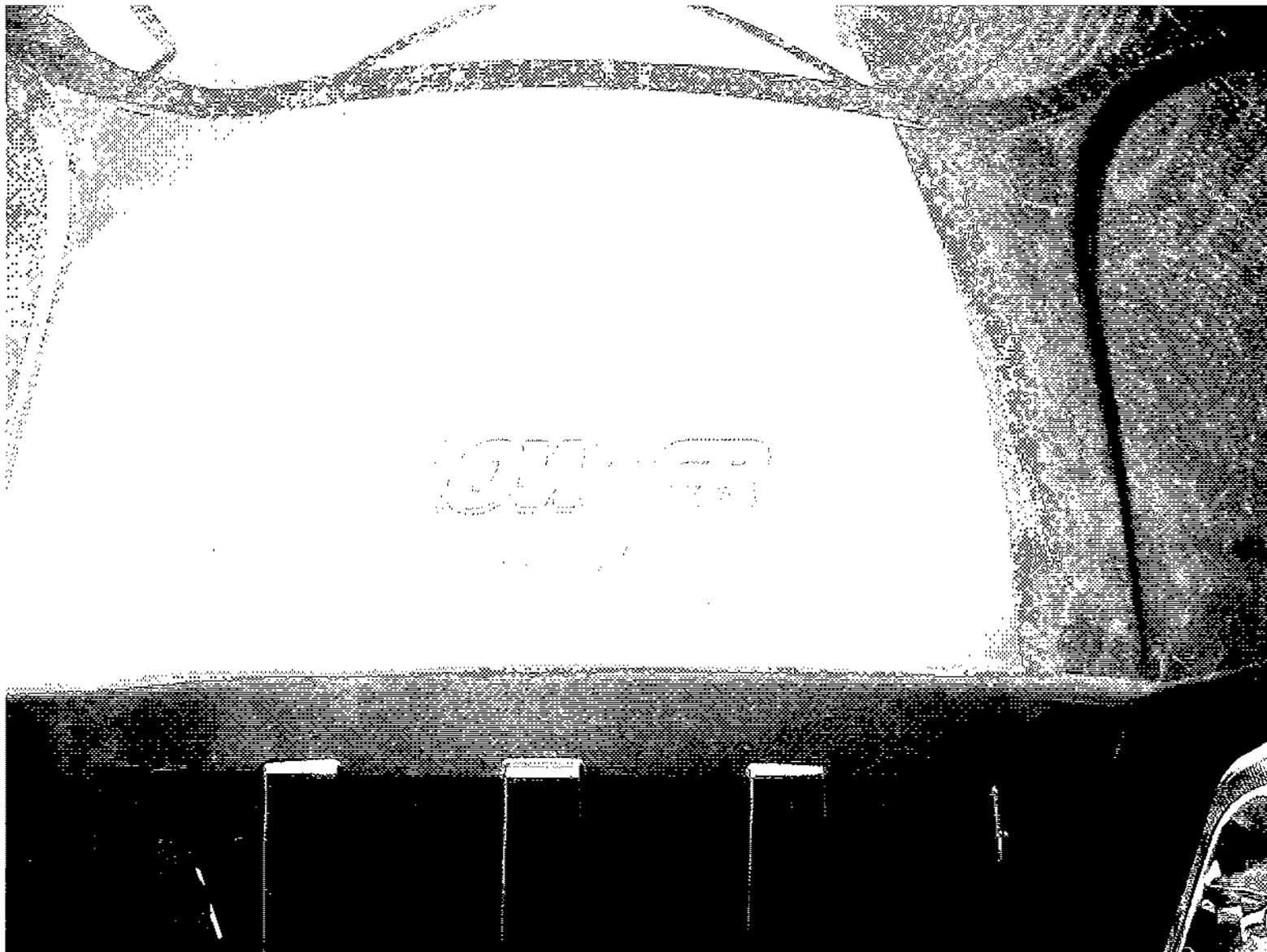
090407CCC2512

Shows a rear view of the Arctic Cat
Prowler.



090407CCC2512

Shows some of the identification that was found on the body of the unit.



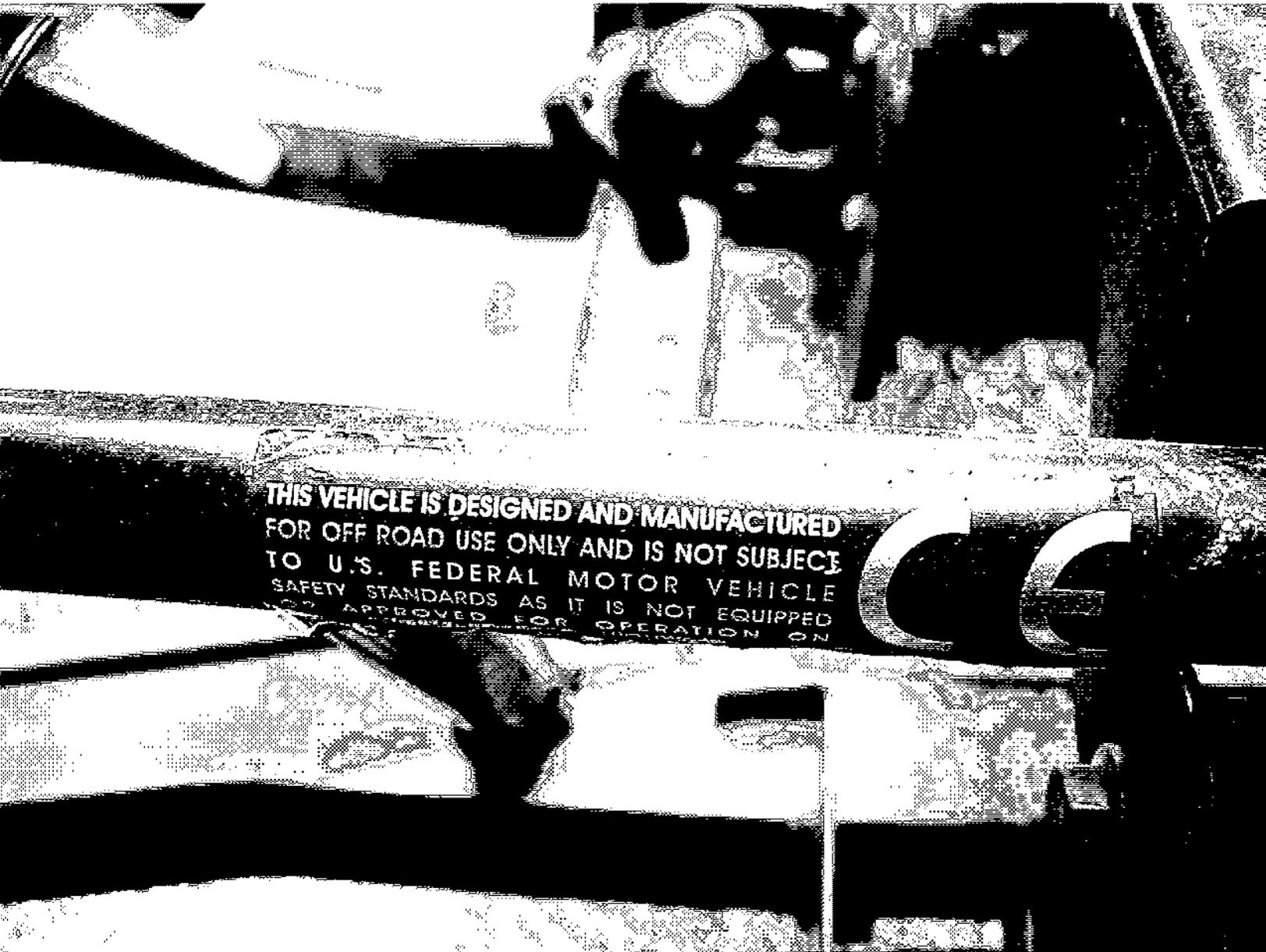
090407CCC2512

Shows some more identification
found on the unit.



090407CCC2512

Lists that the unit is manufactured by Arctic Cat.



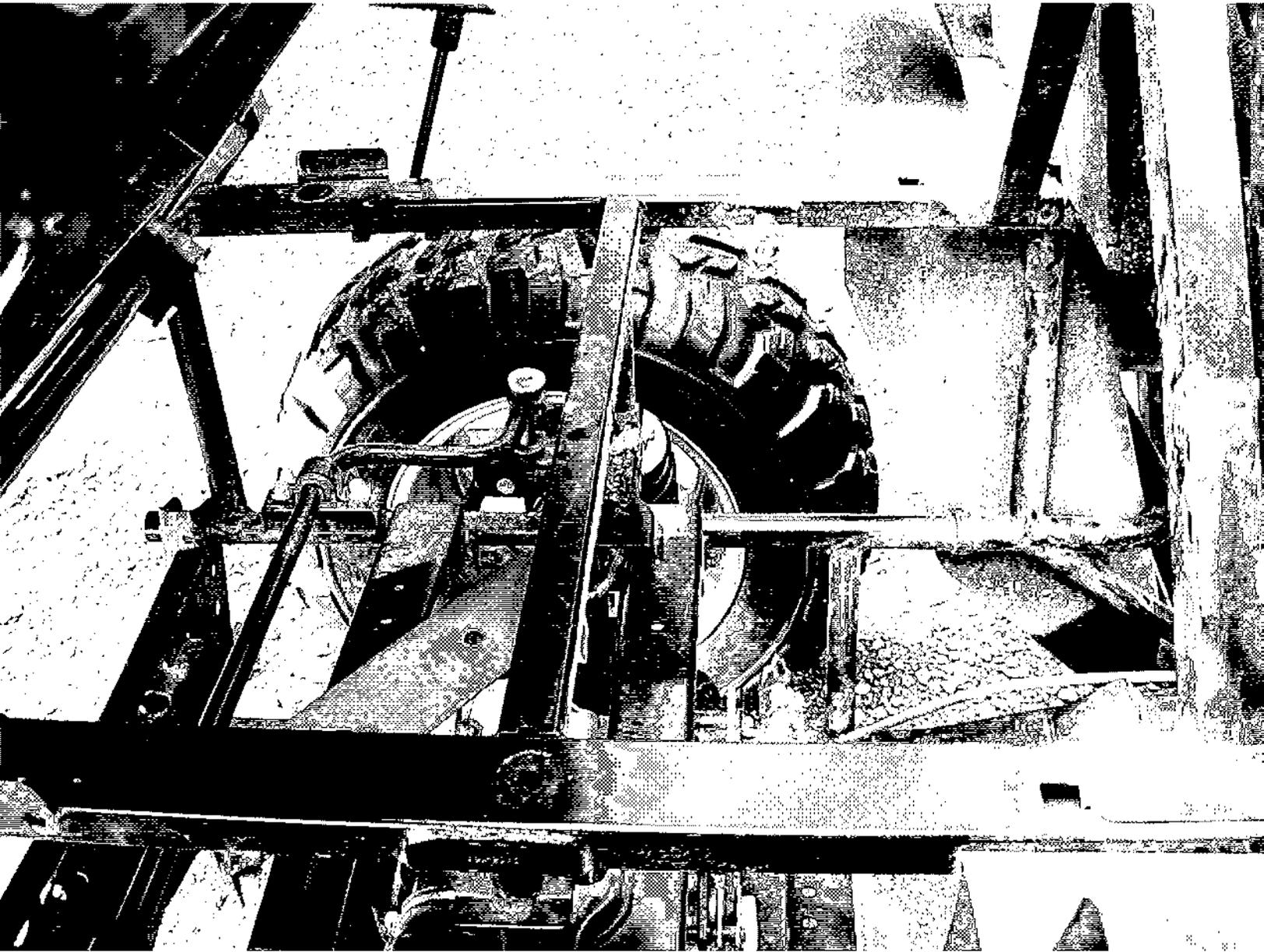
090407CCC2512

Shows the back hood in the open position. The complainant has removed the engine and drive shaft. Both engine blew and transmission failed after 200 miles use after dealer working on brakes and drive shaft.



090407CCC2512

Shows another view of the rear of the Arctic Cat Prowler with the rear hood in the open position.



090407CCC2512

Shows the gravel road that the complainant was driving on. He was following his wife at about 25 MPH. She stopped suddenly and he quickly stepped on the brakes. The brakes locked. The rear of the Prowler spun to the left and it rolled over on its side in the roadway. He was wearing his seat belt and just received minor cuts/abrasions to his face.



Service Order

J.D.'s Sports & Repair
5040 Miller Trunk Highway
Hermantown, MN 55811
Tel: (218) 729-6639

090407CCC2512
Attachment#2

Order No. 2754
Order Date 06/17/2008
Entered by USR
Time In
Approved Date 06/17/2008
Service Type L-SE

ACCT ID
CUSTOMER

(b)(3) Exemption 3 for 25(c)

6-17-08

S H I P	CUSTOMER	(b)(3) Exemption 3 for 25(c)	L/M 2:40 P.M.
	ADDRESS	(b)(3) Exemption 3 for 25(c)	
	CITY-ST-ZIP	(b)(3) Exemption 3 for 25(c)	
	CONTACT	(b)(3) Exemption 3 for 25(c)	
	TELEPHONE	(b)(3) Exemption 3 for 25(c)	

Make ARC		Model Prowler		Item Type UTILITY
YR. 2007	License# 414LJW	Mileage 3027	Serial# (b)(3) Exemption 3 for 25(c)	
Customer PO # / Name			Payment Terms CASH	

QTY	P/S	TECH	ITEM CODE	DESCRIPTION	D	PRICE	TX	EXT.PRICE
	S	DLP	L-SE	SMALL ENGINE LABOR	L	70.00		490.00
1.00	P	DLP	1436-166	KIT,SOFT CAB-BLACK	L	889.95	T	889.95
1.00	P	DLP	1506-689	LATCH,TILT BOX-BLACK	L	54.95	T	54.95
1.00	P	DLP	1406-731	FENDER,FRONT LH MARSH GREEN	L	19.95	T	19.95
1.00	P	DLP	2406-417	BOX,REAR CARGO	L	392.95	T	392.95
1.00	P	DLP	1506-777	BRACKET,FENDER SUPPORT-LH BLACK	L	49.95	T	49.95
1.00	P	DLP	2506-661	FENDER,REAR UPPER LH-MARSH-ASSY	L	24.95	T	24.95
1.00	P	DLP	1406-809	FENDER,REAR-LOWER-LH-MARSH GREEN	L	21.95	T	21.95
1.00	P	DLP	2506-194	SUPPORT,LIFT	L	29.95	T	29.95
1.00	P	DLP	2506-682	HOOD-ASSY MARSH GREEN	L	299.95	T	299.95
1.00	P	DLP	2506-205	TAILGATE ASSEMBLY - BLACK	L	184.95	T	184.95
2.00	P	DLP	1406-736	GRIP, LATCH ROD	L	1.95	T	3.90

① Set Mattresses Alum Running Boards

150.00 plus shipp-^s

Reported Problems

estimate visual damage. machine was rolled over

Authorized by:

Parts	1,973.40
Labor 7 hrs.	490.00
SubTotal	2,463.40
Tax HERM/MN	138.17
Shipping	0.00
Total	2,601.57
Payments	0.00
Balance	\$2,601.57
Running board	150.00

Thank You! ^{275.57}



090407CCC2512
Attachment# 3

650 H1 Prowler



COLOR	
MODEL	650 H1 Prowler
DISPLACEMENT (CC)	641
ENGINE TYPE	SOHC 4-stroke 4-valve
BORE & STROKE (MM)	98x85
COOLING SYSTEM	Liquid w/ fan
TRANSMISSION	Automatic CVT w/ EBS
DRIVE SYSTEM	2 / 4 WD
OVERALL WIDTH	61
OVERALL HEIGHT	77
OVERALL LENGTH	115
WHEEL BASE	75
SUSPENSION TRAVEL FRONT	10
SUSPENSION TRAVEL REAR	10
GROUND CLEARANCE	12
SUSPENSION TYPE - FRONT	Double A-Arm
SUSPENSION TYPE - REAR	Double A-Arm

FRONT BRAKES	Hydraulic Disc
REAR SERVICE BRAKE	Hydraulic Disc
TIRE FRONT	26x9-14
TIRE REAR	26x11-14
MAX FUEL CAPACITY (GAL/LTR)	8.2 / 30.3
RACK CAPACITY - REAR	600
UNDER HOOD CAPACITY (LBS.)	25
TOWING CAPACITY	1500
ALTERNATOR CAPACITY	25 Amps
SPEEDOMETER	Digital
ODOMETER	Digital
DRY WEIGHT (LBS)	1160
SUGGESTED RETAIL PRICE (U.S.)	\$9,299.00





U.S. CONSUMER PRODUCT SAFETY COMMISSION
WASHINGTON, DC 20207

U. S. CONSUMER PRODUCT SAFETY COMMISSION

AUTHORIZATION FOR RELEASE OF NAME

Thank you for assisting us in collecting information on a potential product safety problem. The U. S. Consumer Product Safety Commission depends on concerned people to share product safety information with us. We maintain a record of this information, and use it to assist us in identifying and resolving product safety problems.

We routinely forward this information to manufacturers and distributors to inform them of the involvement of their product in an incident situation. We also give the information to others requesting information about specific products or hazards. Manufacturers may need the individual's name so that they can obtain additional information on the product or incident situation.

Would you please indicate on the bottom of this page whether you will allow us to disclose your name. If you request that your name remain confidential, we will of course, honor that request. After you have indicated your preference, please sign your name and date the document on the lines provided.

YES NO

(b)(5) Exemption 2 for 25(c)
[Redacted]

4/22/09
(Date)

090407CCC2512

Attachment# 5

Contact List

(b)(3) Exemption 3 for 25(c)
Complainant
(b)(3) Exemption 3 for 25(c)

03/31/2009 15:35:43



Incident Description = Brakes locked at 10-15 mph after hard braking . My wife was in front of me she braked and then I braked to avoid hitting her, my brakes locked rolling me over. Minor injuries sustained due to seat belt.

Victim's age at time of incident = 49

Victim's sex = male

Date of incident = 6/16/2008

Product involved = Artic Cat Prowler

Product brand name/manufacturer = Artic Cat Prowler

Manufacturer street address = Minnesota

Place where manufactured (City and State or Country) = Minnesota

Product model and serial number, manufacture date = 4uf07mpvx71304524

Product damaged, repaired or modified = yes

If yes, before or after the incident = after

Description of damage, repair or modification = Frame bent, box totaled \$2700.00 damage

Date product purchased = Jan 07

Product involved still available = yes

Have you contacted the manufacturer = no

If not, do you plan to contact them = no

Name Release = Release name to manufacturer only

(b)(3) Exemption 3 for 25(b)



(b)(3) Exemption 3 for 25(b)



Incident Description = Brakes locked at 10-15 mph after hard braking. My wife was in front of me she braked and then I braked to avoid hitting her, my brakes locked rolling me over. Minor injuries sustained due to seat belt.

Victim's age at time of incident = 49

Victim's sex = male

Date of incident = 6/16/2008

Product involved = Artic Cat Prowler

Product brand name/manufacturer = Artic Cat Prowler

Manufacturer street address = Minnesota

Place where manufactured (City and State or Country) = Minnesota

Product model and serial number, manufacture date = 4uf07mpvx7t304524

Product damaged, repaired or modified = yes

If yes, before or after the incident = after

Description of damage, repair or modification = Frame bent, box totaled \$2700.00 damage

Date product purchased = Jan 07

Product involved still available = yes

Have you contacted the manufacturer = no

If not, do you plan to contact them ~~no~~ *yes contact*

Name Release = Release name to manufacturer only

If you have any changes, additions, or comments you wish to make concerning your attached report, please make them in the space below.

I confirm that the information in the attached report (including any changes, additions, or comments I have made) is accurate to the best of my knowledge and belief.

(b) (3) Exemption 7 for 2510



4/3/07
Date

I request that you do not release my name.

You may release my name to the manufacturer but I request that you not release it to the general public.

You may release my name to the manufacturer and to the public.

9/30/09

1. Task Number 090408HCC3516		2. Investigator's ID 9107		EPIDEMIOLOGIC INVESTIGATION REPORT
3. Office Code 840	4. Date of Accident YR MO DAY 2007 04 07	5. Date Initiated YR MO DAY 2009 04 08		
6. Synopsis of Accident or Complaint UPC <p>A 25-year-old male victim was driving a utility vehicle (UTV) with two passengers. They were all sitting in the the two front seats of the the UTV. They were traveling at about 25-30 mph, when for an unknown reason the UTV skidded on the dirt road and went over an embankment. All three victim's were ejected. The driver suffered a broken arm and the passenger sitting in the middle position complained of pain in her lower back and neck. The third passenger died at the scene. The three victim's had been drinking alcoholic beverage prior to the incident.</p> <p style="text-align: right;"><u>MFR/PRVLR NOTIFIED</u> <i>2/17/11</i> COMMENTS: ___ YES <input checked="" type="checkbox"/> NO ___ OVERRULED; ___ ATTACHED <input checked="" type="checkbox"/> EXCISIONS/FOIA EXS. <i>3, 25, 6</i> <input checked="" type="checkbox"/> DO NOT RE-NOTIFY ___ RE-NOTIFY</p>				
7. Location (Home, School, etc) 5 - OTHER PUBLIC PROPERTY		8. City MOAB		9. State UT
10A. First Product 5044 - Utility Vehicles		10B. Trade/Brand Name POLARIS/VIN 4XARD50A76D033359		10C. Model Number RANGER
10D. Manufacturer Name and Address POLARIS INDUSTRIES INC. 1225 Highway 169 North Minneapolis, MN 55441				
11A. Second Product 0		11B. Trade/Brand Name NONE		11C. Model Number NONE
11D. Manufacturer Name and Address NONE				
12. Age of Victim 26		13. Sex 2 - Female		14. Disposition 8 - Death
15. Injury Diagnosis 54 - Crushing		16. Body Part(s) Involved 31 - UPPER TRUNK		17. Respondent 3 - 2nd Hand Info Only
18. Type of Investigation 2 - Telephone		19. Time Spent (Operational / Travel) 12 / 0		
20. Attachment(s) 9 - Multiple Attachments		21. Case Source 14 - Death Certificate		22. Sample Collection Number
23. Permission to Disclose Name (Non NEISS Cases Only) <input type="radio"/> Yes <input checked="" type="radio"/> No <input type="radio"/> Verbal <input type="radio"/> Yes for Manuf. Only				
24. Review Date 07/29/2009		25. Reviewed By 9021		26. Regional Office Director Frank J. Nava
27. Distribution Mills, Alberta; Streeter, Robin; Topka, Tanya			28. Source Document Number 0749004059	

This In-Depth Investigation (IDI) was initiated based on a death certificate concerning a fatality involving a Utility Terrain Vehicle (UTV). The following information was obtained from investigating officials.

There were three persons riding on the UTV. All three were ejected. It is unknown if any of them were using a seat belt.

Victim #1 was the driver of the UTV and is a 25 year old male. His date of birth is 8/30/1981. He weighs 200 pounds and is 5'11" tall. The victim suffered a broken arm and was taken to the hospital for treatment. According to the police report, victim #1 was driving under the influence of alcohol.

Victim #2 was a 24 year old female. Her date of birth is 4/2/1983. The victim is 125 pounds and 5' tall. Victim #2 was complaining of pain in the lower back and neck. She was seated in the middle of the two front seats.

Victim#3 was a 26 year old female. Her date of birth was 5/8/1980. The victim weighed 110 pounds and was 5'5" tall. She was seated on the left side of the front passenger seat. Victim #3 died at the scene.

The incident took place on a dirt road. The UTV went over a 30' to 35' embankment off of the west shoulder of the road. The terrain consisted of large rocks, boulders, sand and shrubbery. The incident occurred in the early morning at about 00:30 hours. There was no type of lighting except for the UTVs head lights. The UTV was traveling at about 25-30 miles per hour.

On Saturday, 4-7-2007, the three victims were on the UTV traveling at about 25 mph when for an unknown reason the UTV skid on the dirt road and went over a bank. A deputy that was on the same road saw the UTV pass him. They had only traveled 50 yards away from the deputy when he heard the UTV skid. As the deputy turned towards the UTV he observed as it went over the bank.

The deputy flagged down a truck that was coming up behind it and asked for help. When they reached the UTV, they saw three people laying in the sand and rocks.

The officer went towards victim #3 who was laying face down and unconscious. He could not get her to respond and he rolled her over. He checked for a pulse and could not find one and initiated CPR with the assistance of one of the people in the pickup.

Per the coroner's report, the cause of death was due to crush injury to heart and lungs. Toxicology report shows that the victim's blood alcohol level was 0.07 grams ethanol/100ml blood.

Product Identification:

The product involved in this In-Depth Investigation was a Utility Terrain Vehicle (UTV). The product is identified as a green **2006 Polaris Ranger Utility Terrain Vehicle**.
VIN# 4XARD50A76D033359.

No further information was obtained.

Exhibits:

- (1) Police Photographs (10 Pictures)
- (2) Sheriff's Report
- (3) Department of Interior (Witness Statements)
- (4) Toxicology Report
- (5) Medical Examiner's Lead Sheet

Contacts :

US Department of the Interior
Bureau of Land Management
82 East Dogwood Ave
Moab, UT 84532

Contact was initiated to obtain a copy of their investigation report

Grant County Sheriff
125 E Center St
Moab, UT 84532

Contact was initiated to obtain a copy of the sheriff's report

Colored pictures were sent with the report

A requested for better quality prints was submitted to the sheriff's office

Utah State Medical Examiner
48 N. Medical Drive
Salt Lake City, UT

Contact was initiated to obtain a copy of the medical examiner's report



Photo #1 – This view is of the front end of the UTV.



Photo #2 – This is a view facing the passenger side of the UTV. A beer can was located in the cup holder of the dash board of the UTV.

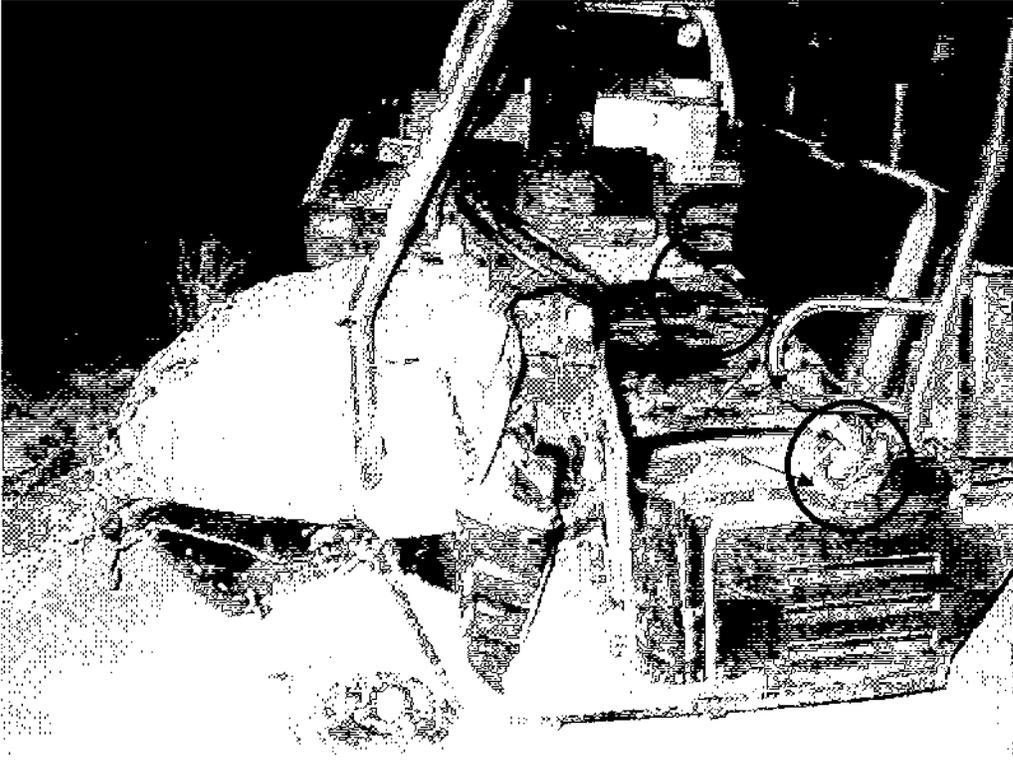


Photo #3 – This view is facing the driver's side of the UTV. Lap seat belts are located on two front seats.



Photo #4 – This view is facing the rear end of the UTV.

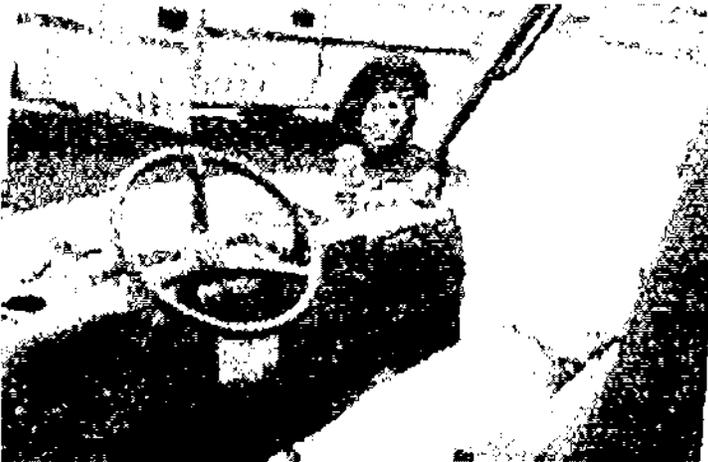


Photo #5 – This view is facing the inside of the UTV from the drivers position.

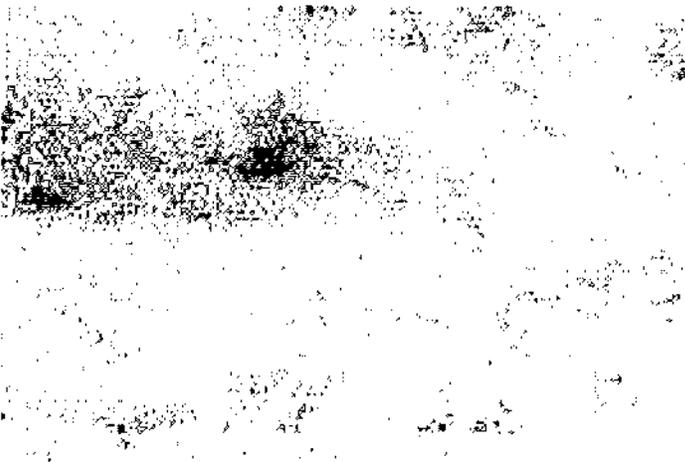


Photo #6 – This is a view of the terrain where the UTV was being driven.

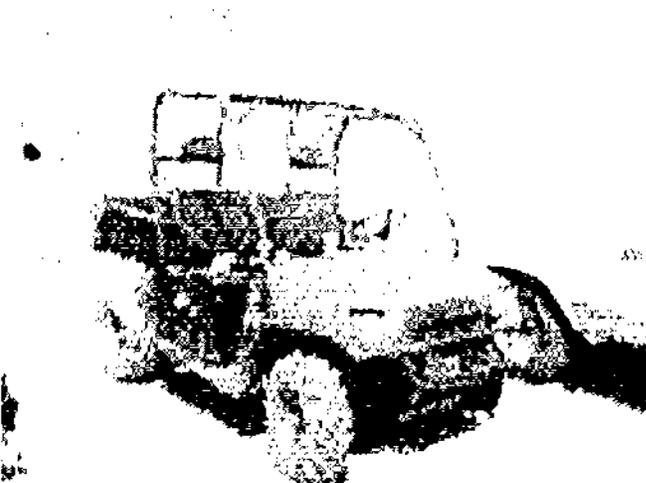


Photo #7 – This is a view facing the left front end of the UTV.



Photo #8 – This is a view facing the front right side of the UTV.



Photo # 9 – This view is facing the left rear end of the UTV.

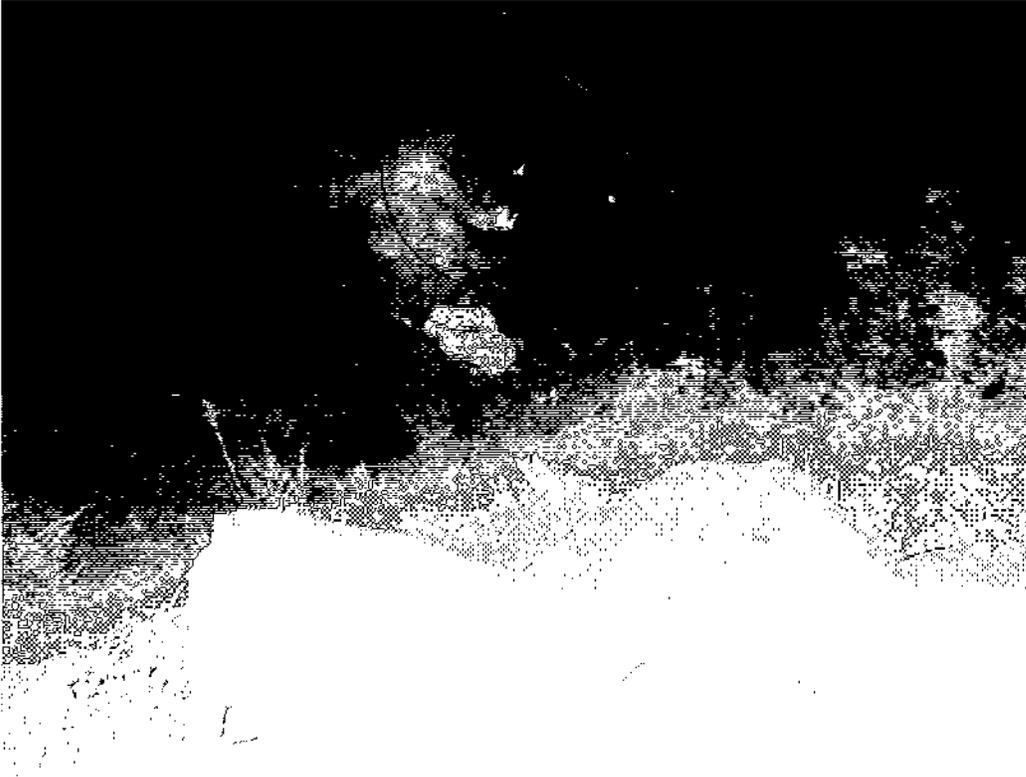


Photo #10 – This view shows the location where the victim and the UTV came to rest after the incident. The victim was placed under a white sheet and the UTV was on its side with the lights on.

TIME Date of Crash **4 / 7 / 07** Day of Week **S M T W T F** Military Time **00:30** DLD Number

LOCATION PLACE WHERE CRASH OCCURRED: **19** COUNTY CODE **7.5** Miles **MOAB** City or Town of Jurisdiction **38° 30.378' N 109° 35.944' W** Case Number **07-191**
ROAD, STREET, HWY **Kane Creek Rd**
CRASH OCCURRED: **Exhibit #2 - Sheriff's Report**
1. AT THE INTERSECTION WITH **IDI# 090408HCC3516**
2. IF NOT AT INTERSECTION **.3** Feet **Grand County line** of Mile Post **Grand County line**

VEHICLE # **1** (b)(6) STATE **UT** DATE **04/08** COLOR **GRN** MAKE **Polaris** MODEL **Ranger** YEAR **2006** VIN **3**

STATE **UT** NUMBER **161820171** CLASS **D** EXPIRES **08/30/1981 25** YES NO PENDING UNKNOWN
FIRST **Plazza** INITIAL **A** LAST **Cycle** (b)(6)

COMMERCIAL VEHICLE INFO: **95**
1ST TRAILER LICENSE PLATE # **96** 2ND TRAILER LICENSE PLATE # **96** DRG TRAILER LICENSE PLATE #
VEHICLE DAMAGE: NO DAMAGE YES **UNKNOWN**
SEQUENCE OF EVENTS: **02 07** MOST HARMFUL EVENT FOR VEHICLE: **07**

VEHICLE DAMAGE: NO DAMAGE YES **UNKNOWN**
HAZ MAT RELEASED: YES NO
HAZ MAT PLACARD # or NAME: **96** CLASS: **96** CODE: **96**
PROPERTY DAMAGE ESTIMATE: \$1,000 OR MORE LESS THAN \$1,000

Work Zone? Yes No Unknown
Workers Present? Yes No Unknown
Name and Address of Owner of Object Struck: **none**
PROPERTY DAMAGE ESTIMATE: \$1,000 OR MORE LESS THAN \$1,000

WITNESSES Name **Dep. J.J. Bradford** Address **SAN JUAN Sheriff's Office** Phone **(435) 587-2237**

Law Enforcement Activity Time Notified of Crash **00:48** Arrived at Scene **01:15** Date Notified of Crash **04/07/07** **04/09/07**
Field Diagram Yes No Video Yes No Photo (s) Yes No Digital Film

ORIGINAL REPORT ADDITIONAL PERSONS REPORT SUPPLEMENTAL REPORT AMENDED REPORT
State Law Requires a Reportable Crash Report to be Forwarded to Dept. of Public Safety Within 10 Days Following Completion of Investigation.



- SEATING POSITION**
- 11 - Motorcycle Driver
 - 21 - Motorcycle Passenger
 - 18 - Front Row Other
 - 26 - Second Row Other
 - 38 - Third Row Other
 - 48 - Fourth Row Other
 - 50 - Sleeper Section of Cab (Truck)
 - 51 - Enclosed Cargo Area
 - 52 - Unenclosed Cargo Area
 - 54 - Trailing Unit
 - 55 - Riding on Vehicle Exterior
 - 56 - Seating Position 11, Not Driver
 - 57 - Right Side Driver
 - 60 - Non-Motorist
 - 97 - Other*
 - 99 - Unknown

EMS Time Called: _____ EMS Time Arrived: _____

Disposition of Vehicle # 02 TOWED BY: NATION'S TOWING

Disposition of Vehicle # _____ TOWED BY: _____

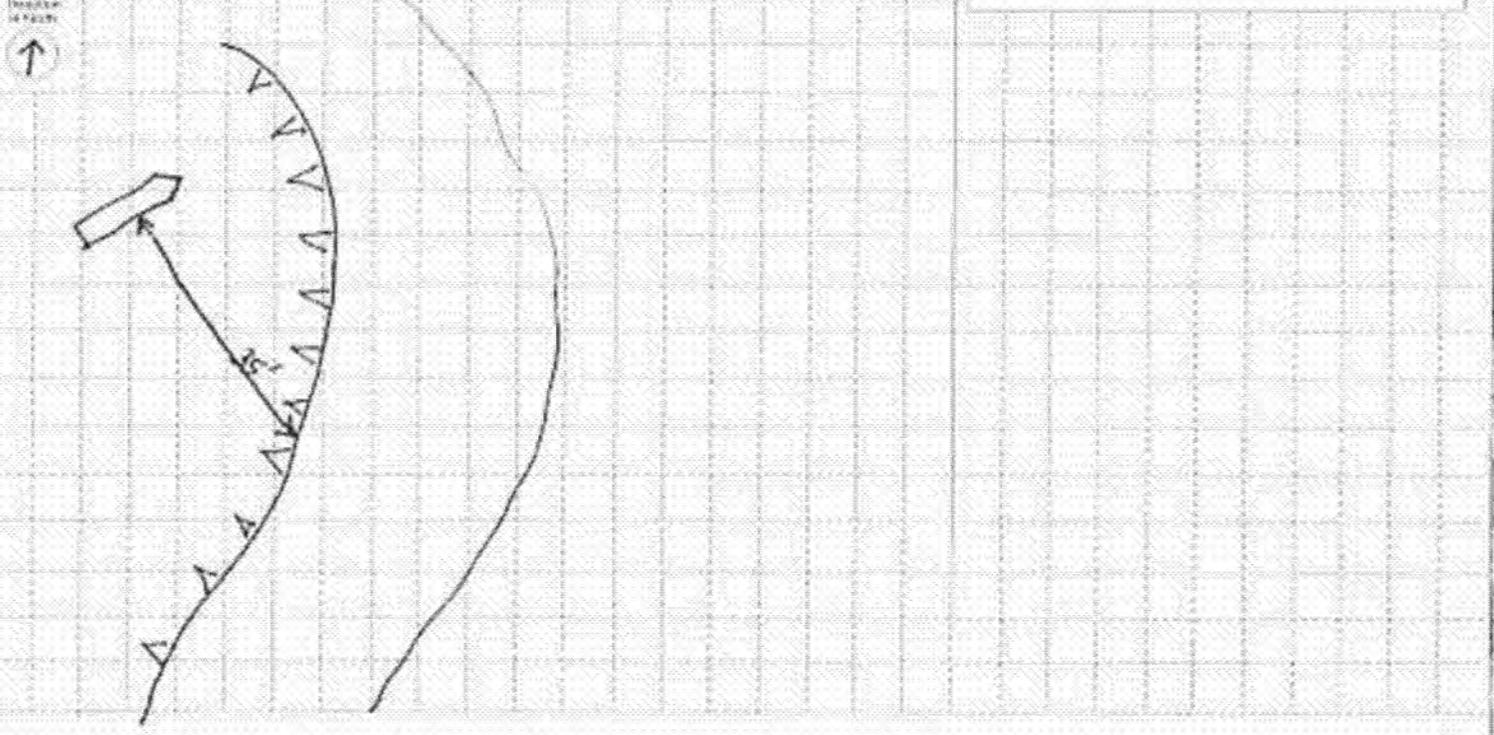
Person Type	Seating Position	Sex	Level	Area	Cause	Transported By	Safety Equipment	Used Property	Air Bag	Ejection	Ejection Path	Extrication
-------------	------------------	-----	-------	------	-------	----------------	------------------	---------------	---------	----------	---------------	-------------

PERSON(S) INVOLVED

VEH #	Name	DOB	Age	Sex	Level	Area	Cause	Transported By	Safety Equipment	Used Property	Air Bag	Ejection	Ejection Path	Extrication
1	DRIVER	Transported to: <u>Allen Memorial Hospital</u>												
1	DRIVER	Transported to: <u>BAC</u>												
1	(b)(6)	DOB <u>04-02-83</u>	Age <u>24</u>					Transported to: <u>AMH</u>						
1	(b)(6)	DOB <u>05-08-80</u>	Age <u>26</u>					Transported to: <u>BAC</u>						
1	(b)(6)	DOB <u>04-08-83</u>	Age <u>24</u>					Transported to: <u>BAC</u>						

DIAGRAM of CRASH NO DIAGRAM - Reason: _____

OLD# _____



DESCRIBE WHAT HAPPENED (Refer to Vehicle by Number): ATK Polaris Ranger left Road Rolled, ejecting
All three, one died at scene.
 * Dirt Road
 * (b)(3):CPSA Section 25(c) Transported by Kimmenly Funeral Home

TIME Date of Crash 4/7/07 Day of Week S M T W T F Military Time 00:30 DLD Number

LOCATION PLACE WHERE CRASH OCCURRED: 19 COUNTY CODE 7.5 Miles N S E W MOAB City or Town of Jurisdiction Case Number 07-191 Latitude 38°30.378 Longitude 109°35.944 ROAD, STREET, HWY CRASH OCCURRED: Kane Creek Rd UDOT USE ONLY REPORTABLE CRASH YES NO UDOT USE

VEH # 1 VEHICLE (b)(6) PLATE NUMBER (b)(6) STATE UT EXP DATE 04/08 COLOR GRN MAKE POLARIS MODEL Ranger YEAR 2006 OCCUPANT(S) 3 DRIVER (b)(6) UT 161820171 0 - - 08/30/1981 25 OWNER PLAZZA Cycle (b)(6) 4119

COMMERCIAL VEHICLE INFO NAME US DOT # 96 CYSA INSPECTION # 96 HAZ MAT RELEASED HAZ MAT PLACARD # or NAME CLASS CARGO CODE INTERSTATE INTRASTATE

SPEED POSTED 25 POSTED ADVISORY - EST TRAVEL 25-30 EST IMPACT - ESTIMATED BY Occupant Witness None SEQUENCE OF EVENTS 02 07 MOST HARMFUL EVENT FOR VEHICLE 07

VEH # 2 DRIVER DRIVER LICENSE OWNER COMMERCIAL VEHICLE INFO 1ST TRAILER LICENSE PLATE # STATE EXP DATE LENGTH 2ND TRAILER LICENSE PLATE # STATE EXP DATE LENGTH

Work Zone? No Workers Present? No Total # of Lanes on Roadway 2 # Vehicles Involved 1 Damage to Property Other than Vehicles NONE Name and Address of Owner of Object Struck PROPERTY DAMAGE ESTIMATE

WITNESSES Name Dep. J.J. Brnd Ford Address SAN JUAN Sheriff's Office Phone (435) 587-2237 Law Enforcement Activity Time of Day of Crash 00:48 01:15 04:07:07 04:09:07

ORIGINAL REPORT ADDITIONAL PERSONS REPORT SUPPLEMENTAL REPORT AMENDED REPORT

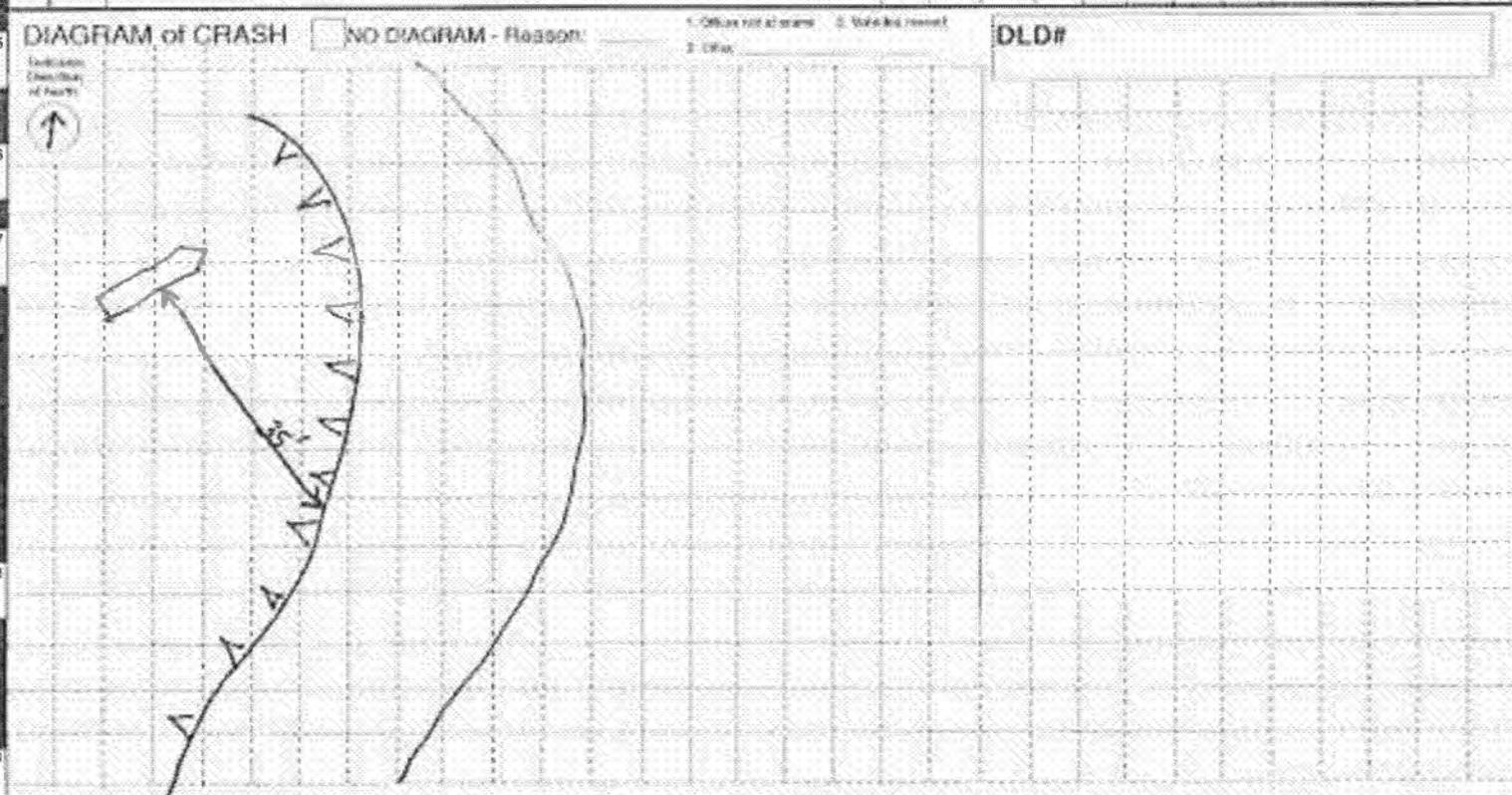
- SEATING POSITION**
- 11 - Motorcycle Driver
 - 21 - Motorcycle Passenger
 - 18 - Front Row Other
 - 20 - Second Row Other
 - 30 - Third Row Other
 - 40 - Fourth Row Other
 - 50 - Sleeper Section of Cab (Truck)
 - 51 - Enclosed Cargo Area
 - 52 - Unenclosed Cargo Area
 - 54 - Trailing Unit
 - 55 - Riding on Vehicle Exterior
 - 56 - Seating Position 11, Not Driver
 - 57 - Right Side Driver
 - 60 - Non-Motorist
 - 97 - Other
 - 99 - Unknown

EMS Time Called: _____ EMS Time Arrived: _____

Disposition of Vehicle # 1 02 TOWED BY: NATION'S TOWING

Disposition of Vehicle # _____ TOWED BY: _____

PERSON(S) INVOLVED	VEH #	DRIVER	Transported to:	BAC	Person Type	Seating Position	INJURY					Transported By	Safety Equipment	Used Preparatory	Air Bag	Ejection	Ejection Path	Extraction	
							Sex	Level	Area	Cause									
	1	DRIVER	Allen Memorial Hospital	BAC															
	1	DRIVER	Transported to:	BAC															
	1	(b)(3):CPSA Section 25(c),(b)(6)	54-02-83 Age 24	Transported to: AMH															
	1	(b)(3):CPSA Section 25(c),(b)(6)	54044	Transported to: F															
	1	(b)(3):CPSA Section 25(c),(b)(6)	05-08-80 Age 26	Transported to:															
	1	(b)(3):CPSA Section 25(c),(b)(6)	84123	Transported to: F															



DESCRIBE WHAT HAPPENED (Refer to Vehicle by Number) ATK Polaris Ranger left Road Rolled, ejecting All Three, One Died at Scene,

* Dirt Road

* Brian & Weight Transported by Kimberly Furwood Home

4/16/2007
10:18:40PM

GRAND COUNTY SHERIFF'S OFFICE

ORI #: UT0100000

STATUS: ACTIVE - SUBMITTED

OWNER: MANSON L S023

OFFENSE REPORT 2007000191

<i>Report Type</i> CRIME REPORT	<i>Report Date/Time</i> 04/08/2007	<i>Reporting Officer</i> MANSON L S023			
<i>Incident Type</i> TRAFFIC ACCIDENT	<i>Incident Date/Time</i> 04/07/2007 00:52:30	<i>Originator (if different)</i> MANSON L S023			
<i>Occurred From Date/Time</i> 04/07/2007 00:30:00	<i>Occurred To Date/Time</i>	<i>Arresting Officer</i>			
<i>Location</i> KANE CREEK RD JUST NORTH OF COUNTY LINE	<i>Address</i> HURRAH PASS CHICKEN CORNERS MOAB, UT 84532	<i>Beat</i> GRID2	<i>Location Grid: X Y</i>		
<i>Short Synopsis</i> CAD#200704070003 VEHICLE ROLLOVER, 3 PATIENTS, SAN JUAN HAS CALLED OUT AIRLIFE					

Charges

Type	Section	Description	Person Charged	Counts	UCR	NCIC
M	53-3-227.S	DRIVE ON SUSPENDED LICENSE	I. (b)(6)	1		5499
M	41-6A-1708	MAINTAIN CONTROL ON CANYON ROAD	II	1		5499
M	41-6A-502(I)(A/C)	DUI - DRIVING UNDER THE INFLUENCE OF ALCOHOL		1	90D	5404

Involved Party

<i>Party #</i> 1	<i>Party Type</i> REPORTING PARTY	<i>Party Name</i> JUAN, SAN COUNTY				<input type="checkbox"/> <i>Business</i>	<i>DOB</i>	<i>Age</i>
<i>Gender</i>	<i>Race</i>	<i>Hair</i>	<i>Eyes</i>	<i>Height</i>	<i>Weight</i>	<i>DL #</i>	<i>State</i>	
<i>Home Address</i>		<i>City</i>	<i>State</i>	<i>Zip</i>	<i>Phone</i> (435) 587-2237			
<i>Business Address</i>		<i>City</i>	<i>State</i>	<i>Zip</i>				

Party # 2	Party Type VICTIM	Party Name (b)(6)	<input type="checkbox"/> Business		DOB 5/8/1980	Age 26	
Gender F	Race WHITE	Hair BROWN	Eyes HAZEL	Height 5'5"	Weight 110	DL # (b)(6)	State UT
Home Address (b)(6)		City TAYLORSVILLE	State UT	Zip 84123	Phone		
Business Address		City	State	Zip			

VICTIM INFO

[VICTIM TYPE] INDIVIDUAL
SEATING POSITION

3

INJURY

[MEDICAL TREATMENT REQUIRED] YES

INJURY TYPE

OTHER MAJOR INJURY

NOTES

DIED AT SCENE

Party # 3	Party Type VICTIM	Party Name (b)(6)	<input type="checkbox"/> Business		DOB 4/2/1983	Age 24	
Gender F	Race WHITE	Hair BROWN	Eyes HAZEL	Height 5'0"	Weight 125	DL # (b)(6)	State UT
Home Address (b)(6)		City MAGNA	State UT	Zip 84044	Phone		
Business Address		City	State	Zip			

VICTIM INFO

[VICTIM TYPE] INDIVIDUAL
SEATING POSITION

2

INJURY

[MEDICAL TREATMENT REQUIRED] YES

INJURY TYPE

POSSIBLE INTERNAL INJURY

Party # 4	Party Type WITNESS	Party Name (b)(6)	<input type="checkbox"/> Business		DOB	Age	
Gender M	Race WHITE	Hair	Eyes	Height	Weight	DL #	State
Home Address (b)(6)		City BLANDING	State UT	Zip	Phone (b)(6)		
Business Address		City	State	Zip			

VICTIM INFO

[VICTIM TYPE] INDIVIDUAL

Party # 5	Party Type WITNESS	Party Name (b)(6)	<input type="checkbox"/> Business		DOB	Age	
Gender M	Race WHITE	Hair	Eyes	Height	Weight	DL #	State
Home Address		City	State	Zip	Phone		
Business Address (b)(6)		City DOLORES	State CO	Zip 81323			

VICTIM INFO

[VICTIM TYPE] INDIVIDUAL

<i>Party #</i> 6	<i>Party Type</i> WITNESS	<i>Party Name</i> (b)(6)		<input type="checkbox"/> <i>Business</i>	<i>DOB</i>	<i>Age</i>
<i>Gender</i> M	<i>Race</i> WHITE	<i>Hair</i>	<i>Eyes</i>	<i>Height</i>	<i>Weight</i>	<i>DL #</i> <i>State</i>
<i>Home Address</i>		<i>City</i>	<i>State</i>	<i>Zip</i>	<i>Phone</i>	
<i>Business Address</i> (b)(6)		<i>City</i> DOLORES	<i>State</i> CO	<i>Zip</i> 81323		
<i>VICTIM INFO</i> [VICTIM TYPE] INDIVIDUAL						

<i>Party #</i> 7	<i>Party Type</i> WITNESS	<i>Party Name</i> (b)(6)		<input type="checkbox"/> <i>Business</i>	<i>DOB</i> 9/19/1975	<i>Age</i> 31
<i>Gender</i> M	<i>Race</i> WHITE	<i>Hair</i>	<i>Eyes</i>	<i>Height</i>	<i>Weight</i>	<i>DL #</i> <i>State</i> (b)(6) CO
<i>Home Address</i>		<i>City</i>	<i>State</i>	<i>Zip</i>	<i>Phone</i>	
<i>Business Address</i> (b)(6)		<i>City</i> MOAB	<i>State</i> UT	<i>Zip</i> 84532		
<i>VICTIM INFO</i> [VICTIM TYPE] INDIVIDUAL						

Arrestees - Suspects - Offenders

Person # 1	Person Type P.C. FOR COMP.	Person Name (b)(6)			Date of Birth 8/30/1981	Age 25
Sex M	Race WHITE	Ethnicity NOT OF HISPANIC ORGIN		DL # (b)(6)	State UT	
Hair BLONDE	Eyes BLUE	Height 5'11"	Weight 200	SSN (b)(6)		
Home Address (b)(6)			City MAGNA	State UT	Zip 84044	Home Phone
Employer Name				Occupation		
Business Address			City	State	Zip	Phone
CRIME COMMITTED [TYPE] M [SECTION/SUBSECTION] 41-6A-502(1)(A/C) [DESCRIPTION] DUI - DRIVING UNDER THE INFLUENCE OF ALCOHOL [STATUTE CODE / ID] STATE B [COUNTS] 1 [ATTEMPTED/COMPLETED] COMPLETED [CRIMINAL ACTIVITY] NOT APPLICABLE/UNKNOWN						
CRIME COMMITTED [TYPE] M [SECTION/SUBSECTION] 41-6A-1708 [DESCRIPTION] MAINTAIN CONTROL ON CANYON ROAD [STATUTE CODE / ID] STATE [COUNTS] 1 [ATTEMPTED/COMPLETED] COMPLETED [CRIMINAL ACTIVITY] NOT APPLICABLE/UNKNOWN						
CRIME COMMITTED [TYPE] M [SECTION/SUBSECTION] 53-3-227.S [DESCRIPTION] DRIVE ON SUSPENDED LICENSE [STATUTE CODE / ID] STATE [COUNTS] 1 [ATTEMPTED/COMPLETED] COMPLETED [CRIMINAL ACTIVITY] NOT APPLICABLE/UNKNOWN						

Vehicle Data

NO. 1	Status STORED/IMPOUNDE D	License Number OH 08022130	License State UT	Make	Model	
Style OTHER VEHICLE		Color GREEN	Year 0	VIN (b)(6)	Associated To (b)(6)	
Owner PLAZA CYCLE		Owner's Home Address (b)(6)		City SALT LAKE CITY	State UT	Zip 84119
Home Phone		Vehicle Storage	Insured By		Insurance #	

Modus Operandi

CRIME RURAL	WHERE OCCURRED
----------------	----------------

HIGHWAY ROAD ALLEY

Additional Case Data

<i>Case NO</i> 2007000191	<i>Title</i> FATAL ATV ACCIDENT	<i>Case Type</i> FELONY	<i>Court File Date</i>
<i>Case Group</i>	<i>OCA No</i>	<i>Case Manager</i> <NONE>	<i>Assign Date</i>
<i>Crime Report No.</i>	<i>Lead Procecutor</i>		
<i>Copies Sent To</i>	<i>Case Status</i> ACTIVE	<i>Clearance</i>	<i>Disposition</i>
<i>Reviewed By</i>	<i>Reviewd By Date</i>		
<i>Consolidation File No</i>	<i>Prosecutor</i> MORGAN, HAPPY J	<i>Further Action</i> OPEN/PENDING	

Narrative Data

<i>No.</i>	<i>Description</i>	<i>Author</i>
1	07-191	MANSON, LOUIS



Grand County Sheriff's Office

Narrative Report Case # 07-191

1
2
3
4
5
6 **Fatal ATV Traffic Accident**
7 **Kane Creek Road**

8 **Date:** April 7, 2007

9 **Time:** 00:30

10
11 **Location:** Kane Creek Road, .3 miles North of Grand / San Juan County line.

12 **GPS coordinates:** 38° 30.378' North x 109° 35.944' West

13
14
15 **Synopsis:** Grand County dispatch was advised by San Juan County of a serious ATV
16 accident. Deputies were enroute to assist San Juan in a search for an escaped prisoner and while
17 enroute learned that this accident was in Grand County and that CPR had been started on one of
18 the victims.

19
20 On arrival we assisted with medical and transportation to the Grand County Ambulance.

21
22 One victim died at the scene and two were transported to Allen Memorial Hospital, by Grand
23 County EMS.

24
25
26 **Deputy Bradford's Statement:** Deputy J.J. Bradford, San Juan County SO told me that he
27 was walking up the road looking for the escapee when a Polaris Ranger went by him at about 25
28 to 30 miles per hour. He said that just after it passed him and had gone about 50 yards, he heard
29 it begin to skid and looked up and saw it go over the bank.

30
31 He flagged over a pickup that was coming up behind it and ask for help. When he reached the
32 ATV in the wash, he saw three people laying in the sand and rocks.

33
34 He went to the female laying face down and unconscious. He could get no response from her
35 and then rolled her over. He checked for a pulse and finding none started CPR with the
36 assistance on one of the people in the pickup (David Gregg)

37
38 He called for assistance through Deputy Eschtruth, SJSO. Deputy Eschtruth and 3 BLM Rangers
39 were with him within fifteen minutes. Grand County Deputies and Weber County Deputies
40 arrived shortly after that.

41
42 **A copy of Bradford's statement is included with this report.**
43



Grand County Sheriff's Office

44 **Follow up with Bradford:** On Monday April 9, 2007, Sheriff Nyland informed me that the
45 driver of this ATV was telling the media that a cop had shined a light in his eyes causing him to
46 crash.

47
48 I called Deputy Bradford and ask him about this and he stated that he didn't shine his light at the
49 ranger or occupants at all. Deputy reiterated that the Ranger was about 50 yards beyond him
50 when it crashed. He told me that the BLM guys were a couple of hundred yards south of the
51 cattle guard.

52
53
54 **Conversation with BLM Ranger:** On April 8th, 2007, I spoke with one of the Rangers who
55 had been at the scene and ask about a report I had that one of them saw beer cans in the ATV
56 when it when by them. He told me that he had. He said that when the Ranger went by them he
57 had raised his light up to about waist to chest high on the people riding in the Ranger, looking for
58 the suspect. As the ranger went by he could see silver can in the cup holder

59
60 **He is going to send me a written statement and copy of his report. When it arrives it I will**
61 **be included with this report along with reports from the other involved Rangers.**

62
63
64 **Grand County Response:** Grand County received a request from San Juan to assist in looking
65 for a prisoner who had run from deputies in the Kane Creek area. Deputies Walker, Manson and
66 Weber County K-9 teams were assigned to assist. As we were about to respond we heard an
67 ambulance being dispatched to the Chicken Corner area.

68
69 While we were responding to assist in this search we learned that the accident was in Grand
70 County from a BLM Ranger who was close to the scene.

71
72 On our arrival Lt. White instructed Deputy Walker to take the K-9 units on down and assist San
73 Juan and placed me at the accident to take care of it. There we saw that most of the San Juan
74 guys and BLM Rangers were there and assisting. So all units stayed and assisted.

75
76 CPR was still in progress on our arrival and when EMS arrived they took over. CPR was
77 continued on the victim (Briana Page Weight), until two rounds of heart drugs and been
78 administered and there was no response. On instructions of the on duty doctor at AMH. CPR
79 was stopped at 01:09 am.

80
81 During this time the other two patients were treated and moved up to the ambulance.

82
83
84 Deputy Walker was handling communications with dispatch and the St. Mary's Air Care
85 Helicopter, which had been called by San Juan. The Helicopter declined to land in the area.

86



Grand County Sheriff's Office

87 After the area was cleared by most of the responders, I photographed the scene.

88

89 I also requested that some one go to the hospital and get a blood draw on the driver (b)(6)

90 (b)(6)

91

92 Deputy Ryan went to the hospital and had the blood draw done. He turned the blood over to me
93 when I arrived back in town.

94

95 When Nations Towing and the Funeral Home arrived, we packaged the victim and brought her
96 out on the Ranger, by tying her in the seat and towing the Ranger up to the road.

97

98 Kimmerle Funeral Home then took her to town.

99

100 While helping to treat (b)(6), I ask him what had happened? He said he didn't know.

101 While speaking with (b)(6) I could smell the odor of an alcoholic beverage and ask him how
102 much he had to drink. He told me that he had consumed one shot of tequila and a couple of
103 beers.

104

105 (b)(6) was suffering from an obvious broken arm.

106 (b)(6) was complaining of pain in the lower back and neck.

107

108

109 I over heard a statement made by the other victim ((b)(6)) that she was yelling at him
110 to turn around. I got the feeling that after passing Deputy Bradford that he may have looked
111 back over his shoulder to see what was going on and inadvertently turned the wheel at the same
112 time, running off the road.

113

114

115 When I was looking over the remaining tracks, I could not see any skids prior to the vehicle
116 leaving the road over the bank.

117

118

119 At 02:23 a TTY was sent to Salt Lake County SO, requesting that notification be made
120 concerning the death of Briana. That TTY had an error in it, stating that (b)(6) had been flown
121 to St. Mary's.

122

123 ON 4-8-07 I returned to the scene and took day light photographs and made some measurements.

124

125 Charges are pending results of the blood draw.

126

127

128 Attachments:

129 1. Ranger Tyler Fouss Statement



Grand County Sheriff's Office

- 130 2. Ranger Keith McGrath Statement
- 131 3. Ranger Logan Briscoe Statement
- 132 4. Deputy J.J. Bradford Statement
- 133 5. Press Release
- 134 6. TTY to SLC county
- 135 7. Salt Lake Tribune Article
- 136 8. Blood draw consent form and Blood collection report (copies)
- 137 9. Toxicology Analysis Request Form
- 138 10. Dispatch incident reports #'s 20070407001, 20070407002, 20070407003
- 139 11. Copy of DI-9 Form
- 140 12. Photographs of scene

141 *13 Copies of Drivers License Info*

142

143 Blood draw was sent to the state lab on 4-12-07 by certified mail.

144

145

146

147

148

Homer L. Manson Jr.
S023

4/16/2007
10:18:40PM

GRAND COUNTY SHERIFF'S OFFICE

ORI #: UT0100000
OWNER: RYAN S S046

STATUS: ACTIVE - SUBMITTED

SUPPLEMENTAL OFFENSE REPORT 2007000191.1

<i>Report Type</i> INCIDENT REPORT	<i>Report Date/Time</i> 04/10/2007	<i>Reporting Officer</i> RYAN S S046		
<i>Incident Type</i> TRAFFIC ACCIDENT	<i>Incident Date/Time</i> 04/07/2007 03:00:00	<i>Originator (if different)</i> RYAN S S046		
<i>Occurred From Date/Time</i>	<i>Occurred To Date/Time</i>	<i>Arresting Officer</i>		
<i>Location</i> ALLEN MEMORIAL	<i>Address</i>	<i>City</i>	<i>Location Grid</i>	<i>X</i> <i>Y</i>
<i>Short Synopsis</i> FATAL 10-50. KEANE CREEK. BLOOD DRAW ON SUSPECT THAT WAS DRIVING				

Additional Case Data

<i>Case NO</i> 2007000191.1	<i>Title</i>	<i>Case Type</i>	<i>Court File Date</i>
<i>Case Group</i>	<i>CCA No.</i>	<i>Case Manager</i> RYAN, SCOTT J S046	<i>Assign Date</i> 04/10/2007 19:52
<i>Crime Report No.</i>	<i>Lead Prosecutor</i>		
<i>Copies Sent To</i>	<i>Case Status</i> ACTIVE	<i>Clearance</i>	<i>Disposition</i>
<i>Reviewed By</i>		<i>Reviewed By Date</i>	
<i>Consolidation File No</i>	<i>Prosecutor</i>	<i>Further Action</i>	

Narrative Data

<i>No.</i> 1	<i>Description</i> CASE 07-191.1 BLOOD DRAW	<i>Author</i> RYAN, SCOTT J
------------------------	---	---------------------------------------



Grand County Sheriff's Office

Case # 07-191.1

Blood Draw

1
2
3
4
5 **Narrative:** On April 7, 2007 I was dispatched to Allen Memorial Hospital to take a blood draw
6 from a subject that was driving when an accident occurred with a fatality. I responded to the
7 hospital with a blood draw kit and spoke to (b)(6) an EMT working at the hospital, and
8 advised that I would need blood drawn from the individual.
9

10 The hospital was very busy with the subject and other patients in the ER so I had (b)(6)
11 take the kit and go draw the blood so I would not be in the way. The ER was crowded and I
12 decided that I would be in the way of medical personnel if I entered the room while they were
13 trying to care for the patients.
14

15 (b)(6) advised the subject that she needed to draw his blood for alcohol content and he
16 allowed her to do so. Blood was drawn and I received the blood from (b)(6) I then had her get a
17 signature from the subject consenting to the blood draw, which he did sign.
18

19 I took the blood and filled out the proper forms. I turned the blood over to Deputy Louis
20 Manson later that morning at around 5am. Deputy Manson is the lead officer in the investigation
21 of the accident.
22

23 End Report

24 S. Ryan
25
26
27
28
29
30
31



U.S. Department of the Interior
Bureau of Land Management
Law Enforcement Office
82 East Dogwood Ave
Moab, Utah 84532



Grand County Sheriff's Office
Grand County, Utah

Attached are witness statements of observations for the ATV Accident that occurred on Saturday April 7, 2007 at approximately 0015 hours on Kane Creek Road. Once we get names and DOB's for all victims our report will be completed and available to the Sheriff's Office. If you need any other information in the mean time, please do not hesitate to let us know

Sincerely,

A handwritten signature in black ink, appearing to read "Tyler Fouss".

Tyler Fouss

U.S. Law Enforcement Ranger
435-259-2131 (Office)

Attachments:

Statement: Ranger Logan Briscoe
Statement: Ranger Keith McGrath
Statement: Ranger Tyler Fouss

Witness Statement:
Ranger Logan Briscoe
San Juan Field Office
Anasazi Heritage Center
27501 HWY 184
Dolores, CO 81323
(970) 882-5623

On April 7, 2007, while patrolling lands administered by the Bureau of Land Management (BLM), specifically in the Kane Creek Area, while parked alongside the roadway, I observed a Polaris Ranger ATV driving northbound at a rapid rate of speed. The time was approximately 0015 hours. I was standing on the south shoulder of the road at the time, assisting the San Juan County Sheriff's Department in locating an escaped prisoner. As the ATV approached, I shined my flashlight in the roadway in an attempt to slow the ATV down. When the vehicle passed, I shined my flashlight into the vehicle in an attempt to identify the occupants. I observed three occupants in the vehicle when it passed my location. The driver of the vehicle was a white male; the other two passengers appeared to be female. Several minutes later, a San Juan County Deputy also assisting us in the search was notified by his partner of an ATV rollover on Kane Creek Road with a critically injured passenger.

At this point, I followed the deputy and BLM Ranger Tyler Fouss in my patrol vehicle, heading south up Kane Creek. Approximately 10 minutes later, the deputy notified us that we were driving in the wrong direction, and stated that we needed to head north. Several minutes later we arrived on scene and assisted in providing aid to the three victims. A Polaris Ranger ATV was lying on its side, approximately 35 feet below the roadway. Two of the victims were sitting in the upright position; a San Juan County deputy was performing chest compressions on a female who was unconscious and not breathing. An unidentified white male was performing the breath portion of the CPR. Once additional officers arrived on scene, I heard an officer ask who was driving the vehicle; the male victim responded that he was driving. The unidentified male performing rescue breathing then left the scene. One of the victims, a 26 year old female, was pronounced dead on scene. The other two victims were taken by ambulance to the hospital.

Witness Statement:
Ranger Keith McGrath
San Juan Field Office
Anasazi Heritage Center
27501 HWY 184
Dolores, CO 81323
(970) 882-5625

On April 7, 2007, at approximately 0015; while patrolling lands administered by the Bureau of Land Management (BLM), in the vicinity of the San Juan County and Grand County border in the Kane Creek Area, I observed a Polaris Ranger ATV driving northbound at a high rate of speed. At the time, I was standing on the shoulder of the road, assisting the San Juan County Sheriff's Department in an effort to locate an escaped prisoner. As the vehicle passed, I shined my flashlight into it in an attempt to determine if any of the occupants matched the description of the escaped prisoner. In doing so, I observed a white male driving the vehicle and two other front seat passengers. I also noticed what appeared to be a can of beer in the driver's side dash board cup holder. There was a similar looking can in the right side cup holder as well. Several minutes later; the San Juan County Deputy, with whom BLM Ranger Tyler Fouss and I were working, informed us that there was an ATV rollover near Chicken Corner.

I got into Ranger Fouss' patrol vehicle and we began to follow the San Juan County Deputy south, towards Chicken Corner. As we started up Hurrah Pass, the San Juan County Deputy turned around; as his partner had informed him that the crash was north of our original location. Several minutes later Ranger Fouss and I arrived at the location of the crash.

I observed an ATV lying at the bottom of a thirty to thirty five foot embankment, off the west shoulder of Kane Creek Road. There appeared to be three victims and the second San Juan County Deputy was administering CPR to one of the female victims. I assisted in providing CPR to the female victim, who was later pronounced dead at the scene. I also assisted in treating two other victims, a second female and a male victim. The male victim appeared to be the same individual that I had previously observed operating the ATV at a high rate of speed on Kane Creek Road. I heard him admit several times that he had been the operator of the vehicle at the time of the crash. I also noticed a strong odor of alcohol on all three victims.

Witness Statement:
Ranger Tyler Fouss
Moab Field Office
82 E Dogwood Ave
Moab, UT 84532
(435) 259-2109

On April 7, 2007, at approximately 0015 hours, while patrolling lands administered by the Bureau of Land Management (BLM), in the Kane Creek Area, in Grand County, Utah: I observed a Polaris Ranger ATV drive by my location at the cattle guard with three occupants in it. I was on the shoulder of the road at the time, assisting the San Juan County Sheriff's Department in locating an escaped prisoner. When the ATV passed my location I shined my flashlight into the ATV to see if the escape prisoner was one of the passengers. The driver of the vehicle was a white male with two female passengers. None of the occupants of the vehicle matched the description of the suspect we were looking for. When the ATV passed, I did observe what appeared to be cans of beer in the dash cup holders. Several minutes later, the San Juan County Deputy who we were assisting in the search was notified by his partner of an ATV rollover on Kane Creek Road with a critically injured passenger. The deputy informed us that the accident was in the Chicken Corners Area.

At that time, myself and Ranger Keith McGrath followed the deputy in my patrol vehicle in the direction of Chicken Corners. Ranger Logan Briscoe followed. Approximately 10 minutes later, the deputy turned around and informed us that he had gone the wrong way and that the accident was not at Chicken Corners. While en-rout back to the location of the accident, I notified Kane County Dispatch that the accident was not at Chicken Corners as reported.

Once on scene of the accident, which was approximately 150 – 200 yards from our original location, I observed the Polaris Ranger over the side of the road, down a steep embankment, approximately 35 feet down. At that time I notified dispatch of the correct location, while Ranger Briscoe and McGrath went down the embankment to assist the San Juan County Deputy who was already administering CPR. I further notified dispatch that there were 3 victims, one of which was critical and CPR was being administered on.

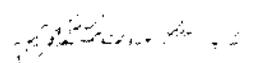
Once other units arrived on scene, I went down the embankment to relieve Ranger McGrath who was administering chest compressions. During this time, I heard a Grand County Deputy ask who the operator of the ATV was. The male subject stated that he was the operator. The female subject that we were administering CPR on was later pronounced dead at the scene, at approximately 0139 hours.

DATE: April 7, 2007
TIME: 00:30 hours (approximately)
LOCATION: Kane Creek
INCIDENT: ATV CRASH with FATALITY

On the Morning of April 7, 2007 at approximately 00:30 hours I was walking up the Kane Creek Road just inside Grand County. I was looking for a prisoner that had escaped from custody. I was passed by a Polaris Ranger with three occupants. The Ranger was traveling approximately twenty five - thirty miles per hour. Just after it passed me and had gone about fifty yards up the road I heard the Ranger begin to skid. I looked up and saw the Ranger go off the road to the left. The Ranger rolled as it went over the embankment. I flagged down a pickup that was following behind the Ranger and told the occupants that an ATV had just gone over the edge and asked for assistance. As I got the Ranger I found the three occupants out of the Ranger and lying in the sand and rocks. I went to the female patient who was face down and unconscious. I tried to get a response from the patient with no luck. I rolled the patient over and began trying to get a response. I checked for a pulse and could not get one. CPR was started. I did compressions as David Gregg provided the mouth to mouth. I called for assistance through Deputy Eschtruth. Three BLM Rangers and Deputy Eschtruth were on scene with me in about fifteen minutes. They began to assist with CPR. EMS and Grand County Sheriff's Deputies arrived on scene. CPR was continued until about 01:39 hours when the doctor instructed EMT's the patient had been pronounced dead.

The other two patients were brought up and taken by ambulance to Moab.

J.J. Bradford
Deputy Sheriff San Juan County



STATE OF UTAH
DEPARTMENT OF HEALTH
DIVISION OF EPIDEMIOLOGY & LABORATORY SERVICES
BUREAU OF FORENSIC TOXICOLOGY

46 North Medical Drive
Salt Lake City, Utah 84113-1105

(801) 584-8400
(801) 584-8415 FAX



TOXICOLOGY REPORT

Agency:
GRAND COUNTY SHERIFF

Laboratory Number:
L2007-1192

Suspect:
(b)(6)
08/30/1981
UT161820171

Date Received:
04/16/2007

Officer:
LOUIS MANSON

Agency Case Number:
07191

LABORATORY FINDINGS:

Blood Alcohol: 0.07 grams ethanol/100ml blood

Analyzed by R. Russell Shamo

Reported this 19 day of 04/07

NOTE: Unless the BFT Laboratory is notified, evidence will be discarded 5 weeks following the date of this report.

[] Supplemental Report

[] Amended Report

OFFICE OF THE MEDICAL EXAMINER **Lead Sheet**

Exam Date / / 0 00

Salt Lake City, Utah

Case # 200700550

Doctor: Rouzer, M D , Steve

Todd C. Grey, M.D., Medical Examiner

Deceased Information

Exhibit #5 - Medical Examiner's Lead Sheet Date of Birth 5/08/1980 Date of Death 4/07/2007 Age 2EYR

Name: (b)(3):CPSA Sectio IDI# 090408HCC3516

Race: C Sex: F Hgt: cm Wgt: Kg Eyes: Hair: S.S #: 000-00-0000

Home Address: (b)(6)

Local Dr.: Phone:

Reporting Information

Initial MOD: Accident COD: Crush Injuries

Date/Time: 4/07/2007 1:36

To: CJB

By: Officer White
Grand County Sheriff's Office

Invest By: Grand County SO

Det. Louis Manson

Found Address: Kane Springs Canyon

City County:

Death/Found Date/Time: 4/07/2007 2:00

Grand

First report: ATV Accident

Next-Of-Kin Information

(b)(6) Mother

(b)(6) Magna

UT

(b)(6)

OME Processing Information

Tech:

Scene Dr.

Invest:

Witness: Not Applicable

OME Photos? OME Video?

Decomp? X-Rays: Not Applicable

Dental X Rays?

Identified via: Family

On: 4/07/2007

Donor: Eyes? Skin? Bone? Heart valve? Veins? Vital Organs?

Transport and Release Information

Body Transported to OME by

Received at: / / 0:00 By:

Release Authorized By: CJB

On: 4/30/2007 10:27 F.H. selected Valley View Funeral

F.H. Called: / / 0:00 By:

Body released: / / 0:00 By:

Death Certificate Information

Immediate Cause: CRUSH INJURY TO HEART AND LUNGS

Due to

Due to

Due to: FALL FROM ALL TERRAIN VEHICLE

Part II:

Tobacco Usage:
Did Not Contribute

Autopsy Performed?
Autopsy Fnds Avail?

Manner

Date of Injury:
4/07/20

Hour of Injury
17:00

At Work?

Place of Injury:
Kane Creek Road

of

Loc of Injury:
1000 Kane Creek Road Moab, Utah

Type of Motor Vehicle Accident:

Death:

Accident

How Injury Occurred: She Fell From Moving ATV

DC: DC to be printed

This Form Revised: Jun 13, 1997 11:25

This In Depth Investigation (IDI) was initiated in response to a consumer complaint received via the CPSC website on 04/14/2009. The complainant indicated that he is a regular operator of a 4-wheeled off road vehicle with two side by side passenger seats which are located between the vehicle's front and rear sets of wheels; the vehicle's engine is located in front of the passenger area. The complainant wrote that on two occasions he had encountered fires in the vicinity of a "disc brake" located below and between the passenger seats when plant matter became trapped near the brake during off road driving. On one occasion he sustained a mild burn while extinguishing one of these fires with bottled water.

Incident Information

The complainant lives in a small town in a rural area in a state without a CPSC field presence. An onsite investigation was scheduled for Tuesday 05/05/2009 during a TDY trip to the incident state. On the morning of 05/04/2009, the complainant and the Investigator spoke by phone; the complainant stated that, over the previous weekend, two feet of snow had fallen in the mountains where the vehicle was located and that the area was unreachable. A telephone interview was tentatively scheduled for the week of 05/18/2009, and conducted on 05/20/2009. As of that date, the complainant had not yet accessed the incident vehicle or its related documentation, which was stored in the same location. The complainant stated that he anticipated accessing the vehicle within the next two weeks and would mail photographs of the machine and a copy of its instruction manual and any available purchase documentation to the Investigator. As of this writing, no such documentation had been received.

The complainant indicated that he believed the vehicle was purchased in 2007. It was bought by the complainant's family as a gift for his father-in-law, now 87, who is the record owner of the product. In 1972 the complainant's father-in-law acquired the rights to a mining claim on mountainous National Forest Service land. The mine includes multiple shafts sunk more-or-less horizontally into a mountainside. The complainant's father-in-law, sister-in-law, and wife own property, separate from the mining claim, as an "in-holding" within the national forest's boundaries. The family has built two homes on the property within the national forest boundaries, along with ancillary structures including a roofed-over, open-sided "carport" where the incident product was stored during the winter of 2008-2009.

The in-holding property with the homes and the carport is located at an altitude approximately 2000 feet below the mine. The two locations are connected by a single lane dirt road, which descends the 2000 feet while traversing a distance of 2 miles. This track is maintained by the complainant's family, who also maintain the road to their in-

holding, which the complainant stated has been abandoned by the Forest Service. The road to the in-holding departs from public roadways approximately 40 miles from the small town where the complainant and his father-in-law maintain permanent residences.

While the mine has not produced a significant amount of marketable ore in some time, the complainant's father in law spends a considerable amount of time in the area of the claim during the summer months engaged in mining-related activities. These activities include the operation of various heavy equipment – such as bulldozers – and general purpose utility vehicles with off-road capabilities. The complainant's father-in-law had several injury-incidents while using 3-wheeled ATV's as light utility vehicles. One such incident – when he was 85 – resulted in multiple fractures and a 3 week hospitalization. A desire to provide the complainant's father-in-law with a more stable form of light utility vehicle motivated his family to purchase the incident vehicle for him.

According to the complainant, since its purchase the incident vehicle has been used both at the adjoining in-holding and mining claim sites and in the town where he and his father in law live. He was not certain whether the vehicle has an odometer or what the odometer reading might be at the time of the phone interview. In the incident state, ATVs and similar vehicles are required to bear license tags and it is the complainant's understanding that it is legal to operate them on secondary roads. Such vehicles are commonly driven around the town where he resides without objection from local police. During the winter of 2007-2008, the complainant and his father-in-law attached a snowplow to the front of the vehicle and used it to clear sidewalks and driveways. The vehicle's performance in this task was less than satisfactory – due in part to width of the available plowing attachment and the limited traction of the light vehicle in snow.

The fire incidents occurred in 2008 between the winters of 2007-2008 and 2008-2009 a period when the vehicle was used regularly for approximately 4 months. During this time, the vehicle was driven 8 to 10 times a week; most of these drives involved a trip up to mine and back down. According to the complainant, the vehicle had not been repaired or modified prior to the incidents. To the best of his knowledge it had sustained no prior damage. All of the fires occurred on or near the complainant's wife's family's national forest in-holding. During the interview, the complainant recalled the occurrence of a third fire, in addition to the two that he mentioned in his initial report to CPSC.

The vehicle has a steering wheel and gas and brake foot pedals similar to an automobile. Its transmission has a hand-operated shifting mechanism which the complainant was unable to describe in detail during the phone interview. According to the complainant, a driveshaft runs from the engine in the front of the vehicle to its rear

wheels. While the front wheels are braked by individual disc brake mechanisms, the rear wheels are braked by a disc brake mechanism that engages the drive shaft at a location under and between the vehicle's two seats. The friction created on the drive shaft slows both rear wheels. The complainant indicated that while the vehicle has a differential or transfer case on the drive shaft between the engine and the rear wheels, there is no differential between the rear wheels. He stated that he believes the lack of a rear differential makes the vehicle more prone to rear wheel skids and thus less stable than it would be if it had a rear differential.

According to the complainant, a metal flange or sheet is located under the disc brake mechanism that engages the driveshaft that powers the rear wheels. He stated that this flange acts like a "scythe" when the vehicle travels through tall grass or undergrowth – cutting or breaking off plant matter. A certain portion of the broken plant matter has a tendency to collect on the top of the metal flange, placing it in close proximity to the break.

The complainant was onboard the vehicle during two of the 3 fires. On one occasion he was driving and his father-in-law was in the passenger seat and on the other occasion his father-in-law was driving and he was the passenger. A third incident occurred when a family friend who is a mechanic was operating the vehicle without a passenger while he was onsite to perform maintenance work on a bulldozer. Two of the incidents took place while the vehicle was being driven down the steep road from the mining claim to the residences on the in-holding. The other incident occurred after the vehicle had been driven across open ground for some time and was descending a shallow slope in a meadow.

The complainant was unable to provide approximate dates for these incidents. He stated that to the best of his knowledge none of the fires damaged the vehicle or started a larger wild-land fire. On one occasion when the complainant was driving the vehicle down from the mine and a fire ignited he extinguished it with bottled water and sustained first degree burns to one hand. He did not require medical attention. No other injuries related to the vehicle were reported.

According to the complainant, all three of the fires involved the ignition of plant matter that had accumulated on top of the metal flange below the driveshaft brake. He said that the vegetation being driven through consisted mostly of grasses and similar plants approximately 16" high. He added that some of the plants that had been driven through prior to the fires had been taller and that some had been lower. The complainant believes that the plant matter ignited by contact with the hot components of the break

mechanism or nearby metal heated by the brake. No sparks or flames have been observed from the brake or other parts of the vehicle.

The complainant said that the brake becomes extremely hot even when descending even mild slopes and extraordinarily hot when the vehicle is driven down the steep road from the mine to the residential property. The complainant stated that even when the vehicle is in low gear, the transmission and engine pressure provide very little breaking force. Thus a driver must almost constantly use the break while traveling down even a mild slope for any distance. "Any sort of slope, you're on the break," said the complainant. The complainant stated that he believed that the brake on the driveshaft is insufficient for slowing both of the vehicle's rear wheels during protracted use and the break therefore is inherently prone to becoming extremely hot.

He noted that he was particularly concerned by the fires he has encountered because the flange where they have started is located near the vehicle's gas tank and the engine fuel line.

He opined that the engine and transmission of a vehicle designed for off-road use should provide greater engine breaking for hill descents. He said that at a minimum a way should be found to reconfigure the area around driveshaft brake so that the metal flange does not cut and collect plant matter because high vegetation is frequently encountered in off-road driving, which the vehicle is designed for. He also stated that he believed that eschewing a rear differential and individual brakes for the rear wheels was a very poor design choice.

Product Identification

The incident vehicle is a **Yamaha Rhino** – a four wheeled vehicle designed for off road use with side by side front seats for two passengers behind the engine and a small cargo bed over the rear wheels. The vehicle has an automobile like steering wheel and brake and accelerator pedals. Its transmission is operated by a hand control of unknown description. The rear wheels receive power through a drive shaft running from the engine compartment that passes below and between the front seats. A single transfer case or differential is located on this driveshaft. Also on this driveshaft is a single breaking mechanism described by the complainant as a "disc brake" 5-6 inches in diameter. The fires all began in vegetable matter broken or cut and deposited on top of a metal flange below this disc brake.

The claimant was not positive but, at the time of the phone interview, he believed that the Rhino was part of the **700FI** model series. He stated that it had a camouflage

patterned body. The complainant was certain that the Rhino was affected by the recall announced on 03/25/2008 in CPSC Alert #08-552. He had however not checked the vehicle's identification numbers because he had not made it into the mountains to examine the vehicle as of the phone interview on 05/20/2009.

The complainant opined that addition of rear wheel-spacers and the removal of the rear sway-bar directed under the corrective action plan would make the vehicle extremely difficult to maneuver because the extended distance between the rear wheels would increase the difference in their speed of rotation while cornering. However, he planned to take the vehicle in for the CAP modifications. He also opined that the rear wheel spacers would increase the chance of collision incidents involving this model of vehicle because the rear wheel spacers would increase the chance that operators would maneuver past obstacles with their front wheels and strike them with their rear wheels. Finally he stated that he believed the CAP modifications presented a risk of injuries from flying debris because he believed the wheels with the spacers would extend outside the rear wheel wells and throw objects out away from the body of the vehicle.

Attachments

- Exhibit 1: Webpage from www.Yamaha-Motor.com regarding the CAP under Alert #08-552, 1 page.

Contact Information

(b) (6)

(b) (6) was initially contacted by phone in late April and early May 2009. He was interviewed by phone on 05/20/2009. He stated that he would provide photographs of the incident product and copies of related documentation within the next 2 to 3 weeks. Two phone messages were left for him during the week of 06/08/2009. These calls were not returned.

Product Owner / Witness/ complainant's father-in-law:

(b) (6)

(b) (6) was not contacted during the investigation.

Incident location:

The complainant stated that the in-holding and nearby mining claim do not have a mailing address and are not adjacent to any public road. They are located in the Tobacco Root Mountains in Montana within the boundaries of the Beaverhead-Deerlodge National Forest. The nearest town is Waterloo, Montana.



OUTDOORS

SPORT

STAR

MODELS ACCESSORIES APPAREL & GIFTS PARTS & SERVICE NEWS & EVENTS EXTENDED SERVICE HISTORY

Repair Campaign Announcement Exhibit 1 -- Page 1 of 1 -- 090420CCC3532

In cooperation with the Consumer Product Safety Commission (CPSC), Yamaha Motor Corporation, U.S.A. will be offering certain free repairs for all Rhino Side x Side (SxS) vehicles.

This is not a recall. This is a voluntary repair program.

The CPSC announced this repair program for Rhino 660 and 450 models. Yamaha is also voluntarily implementing the same free repairs for Rhino 700 models.

According to the CPSC, the following two repairs are needed "to help reduce the chance of rollover and improve vehicle handling":

1. Installation of a spacer on each of the rear wheels.
2. Removal of the rear anti-sway bar.

Repair parts meeting CPSC requirements will be available to be installed by your Yamaha dealer as quickly as possible. We will send dealers full repair instructions and will send a follow-up letter to all registered owners as soon as these parts are available.

You should not operate your Rhino until it is modified with these repair parts. If you own a Rhino 660 or 450 that does not have the [free doors](#) and additional passenger handhold offered by Yamaha, you should also have these parts installed on your vehicle.

Yamaha stands firmly behind the Rhino SxS as a safe, reliable off-road vehicle. The Rhino is the best-selling SxS vehicle in the market and has been shown to be the best in its class, with many industry and press awards to its credit. Indeed, **more than 99% of Rhinos sold to date are being enjoyed by enthusiastic owners without reported incidents.**

Yamaha always advises the safe, responsible use of our products. As a reminder, Rhino users should always wear helmets and seatbelts, as well as follow all instructions and warnings in the on-product labels, owner's manual, and other safety materials. The Rhino is only recommended for operators 16 and older with a valid driver's license. Every passenger must be tall enough to place both feet on the floorboard with his or her back against the seat back.

If you need additional information about this repair campaign, please contact your [Yamaha dealer](#). If you still have unanswered questions, please call Yamaha at 800-962-7926. You may also wish to go to the CPSC's website at [cpsc.gov](#) or call their hotline at 800-638-2772.

(b) (6)

Name of Victim =
Victim's Address =
Victim's City =
Victim's State =
Victim's Zip =
Victim's Telephone =

Incident Description = When driving our Yamaha Rhino (I believe it is a model 700 FI, the camouflaged body style) down steep roads, on two occasions a fire has started due to the overheating of the disc brake / rotor that is mounted below the center console between the seats and directly above the gas tank. The design of the Rhino undercarriage is such that it has a tendency to cut tall grass stems and brush and deposit the dry plant material on a metal plate directly below the disc brake / rotor. When the hot brake / rotor makes contact with the collected plant debris the plant debris has a propensity to catch fire. The Yamaha Rhino has very little engine back pressure to slow the dual passenger vehicle when driven in low gear down steep roads, hence one has to rely on continuous braking to keep the vehicle operating at a slow speed so as to avoid loss of control. The disc brakes and rotors appear to be very small and they become exceptionally hot, rapidly. Since these vehicles are intended for off road use and for dirt trail / road driving one operates the vehicle in tall grass and shrubs routinely. The brakes appear to be undersized and the engine / transmission does not provide for adequate back pressure to restrain the vehicle from gaining excess speed down hills. For example, the winding, steep, single lane dirt road that we drive down from our mine in the Tobacco Root mountains descends about 2,000 feet in about 2 miles distance and one has to utilize the brake continuously from top to bottom to restrain the vehicle to slow speeds so as to navigate the turns and the abrupt switchbacks.

I sustained a moderate burn on my hand while dosing the flames of the plant material with bottled water, fortunately being able to inhibit the fire from catching the fiberglass / plastic body on fire and before igniting the gas tank / gas lines adjacent to the disc brake / rotor assembly.

The engine / transmission drive train should be redesigned to provide for reasonable back pressure when driven in low gear so as to avoid having to rely exclusively on the brake system for speed control on hill descents.

The brake system should have larger rotors and disc brakes and provided with active cooling so as to avoid overheating.

The disc brake should NOT be mounted near the gas tank. Hot objects should never be situated near flammable / explosive liquid storage.

The center disc brake should not have a metal plate directly underneath it such that plant debris can accumulate and become a combustible hazard.

Victim's age at time of incident =
Victim's sex =
Date of incident = Summer 08
Product involved = Yamaha Rhino
Product brand name/manufacturer = Yamaha
Manufacturer street address =
Place where manufactured (City and State or Country) =
Product model and serial number, manufacture date = The Rhino is located up in the mountains can obtain the data at a later date.
Product damaged, repaired or modified = no
If yes, before or after the incident =
Description of damage, repair or modification =
Date product purchased = 2007
Product involved still available = yes
Have you contacted the manufacturer = no
If not, do you plan to contact them =
Name Release = Release name to manufacturer only

1. Task Number 090421HNE4376		2. Investigator's ID 8925		EPIDEMIOLOGIC INVESTIGATION REPORT
3. Office Code 810	4. Date of Accident YR MO DAY 2009 04 11	5. Date Initiated YR MO DAY 2009 04 22		
6. Synopsis of Accident or Complaint UPC none The victim, a 12-year-old female, was a passenger in a 4-wheeled utility vehicle being driven by a 15-year-old male in a pasture. While traveling down hill into a sharp turn, the UTV fishtailed and the driver over-corrected in an attempt to regain control. The UTV traveled on its side, ejected the driver, and then overturned ejecting the victim and landing on top of her resulting in fatal injuries, with the cause of death determined to be blunt force head trauma. The driver suffered unspecified injuries and was treated at the hospital and released. <div style="text-align: right;"> MFR/PRVLBR NOTIFIED COMMENTS: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> OVERRULED; <input type="checkbox"/> ATTACHED <input checked="" type="checkbox"/> EXCISIONS/FOIA EXS. 325c <input checked="" type="checkbox"/> DO NOT RE-NOTIFY <input type="checkbox"/> RE-NOTIFY <i>3/24/10</i> </div>				
7. Location (Home, School, etc) 1 - HOME		8. City ALTO	9. State GA	
10A. First Product 5044 - Utility Vehicles		10B. Trade/Brand Name POLARIS/RANGER		10C. Model Number UNKNOWN
10D. Manufacturer Name and Address POLARIS INDUSTRIES INC./VIN: 4XARB50A47D042608 1225 Highway 169 North Minneapolis, MN 55441				
11A. Second Product 0		11B. Trade/Brand Name NONE		11C. Model Number NONE
11D. Manufacturer Name and Address NONE				
12. Age of Victim 12	13. Sex 2 - Female	14. Disposition 8 - Death		15. Injury Diagnosis 62 - Intern. Org. Inj.
16. Body Part(s) Involved 75 - HEAD	17. Respondent 3 - 2nd Hand Info Only	18. Type of Investigation 2 - Telephone		19. Time Spent (Operational / Travel) 4 / 0
20. Attachment(s) 9 - Multiple Attachments		21. Case Source 05 - Newspaper		22. Sample Collection Number
23. Permission to Disclose Name (Non NEISS Cases Only) <input type="radio"/> Yes <input checked="" type="radio"/> No <input type="radio"/> Verbal <input type="radio"/> Yes for Manuf. Only				
24. Review Date 06/12/2009	25. Reviewed By 9093		26. Regional Office Director Dennis R. Blasius	
27. Distribution Moon, Clarice; Streeter, Robin; Kessler, Charles; Garland, Sarah			28. Source Document Number N0940302A	

The information in this report was based on information received from the police department and the GBI medical examiner's office. A photo of the utility vehicle was not provided. Contact with the victim's next-of-kin was not successful.

On Saturday, April 17, 2009, in Banks County, Alto, GA, the victim, a 12-year-old female was riding as a passenger in a 4-wheeled utility vehicle being driven by a 15-year-old male, on a slope which was located in a pasture. The weather condition was clear and the temperature was 64 degrees.

They were traveling down a hill and took a sharp turn, when the driver lost control and fishtailed. He attempted to regain control but overcorrect and the utility vehicle traveled on its side. He was ejected from the utility vehicle. The utility vehicle overturned and the passenger was ejected. The utility vehicle landed on her.

The driver's knowledge regarding operation and/or handling the utility vehicle was unknown. The utility vehicle travel rate of speed prior to the incident was not known and they were not wearing any protective gear, such as helmets.

The victim was 5 feet, 4 inches, and she weighed 110 pounds. She was fatally injured at the scene. She sustained multiple lesions in the abdominal area, blunt force head trauma, an eye injury and swelling due to ruptured aorta. An autopsy was not warranted and her cause of death was based on her injuries sustained.

The driver sustained extensive injuries. He was taken to a hospital where he was treated and released.

Product: 4-wheeled utility vehicle

Brand/Year: Polaris/2007

Manufacturer: Polaris
1225 Highway 169 North
Minneapolis, MN 55441

Model: Ranger

VIN: 4XARB50A47D042808

Description: green in color

Condition: maintenance history, bought new or used, and prior problems is unknown.

Modification: unknown

Note: There is a discrepancy noted on the make of the utility vehicle as listed by police (Polaris) and that listed in the GBI Record of Medical Examiner's Report (Kawasaki). Police confirmed that it was a Polaris.

Note: There is a discrepancy on who was operating the utility vehicle prior to the incident as listed by police, who had the decedent as a passenger, and the GBI Record of Medical Examiner's Report, which had the decedent as the driver. Police have confirmed ~~that the decedent~~ was the passenger.

ATTACHMENTS:

1. Accident Report.
2. Missing Document, photo of the utility vehicle.
3. GBI Medical Examiner's/Coroner's Report.
4. Contact Information.

Accident Number 06 - 0689 - 09		Agency NCIC No. GAGSP0600		DPS 523E (1/2004)		GEORGIA MOTOR VEHICLE ACCIDENT REPORT			County Banks		Date Received		Page 1 Of 2											
Data 04/17/2009		Day Of Week Sun M T W Th F S		Time 2028		Off. Arrived 2116		Total Number Of Vehicles 1 Injuries 1 Fatalities 1		Inside City Of														
Road Of Occurrence (b)(6)										At Its Intersection 1 Interstate 2 Lowest St. Rt. 3 Co Road 4 City St.		Corrected Report Yes <input checked="" type="checkbox"/>												
Not At Its Intersection But Miles 1 North 3 East Feet 2 South 4 West										Of 1 Interstate 2 Lowest St. Rt. 3 Co Road 4 City St 5 Co. Line		Suppl. To Original Yes <input type="checkbox"/>												
And Continuing in the Direction Checked Above The Next Reference Point Is 1 Interstate 2 Lowest St. Rt. 3 Co Road 4 City St 5 Co. Line										Hit and Run? Yes <input type="checkbox"/>														
Driver # 1 Last Name Standridge First Bryson Middle Ray Address (b)(6) City (b)(6) State 1993					Driver # Last Name First Middle Address City State Zip DOB					Driver's License No. Class State <input type="checkbox"/> Male <input type="checkbox"/> Female Posted Speed Insurance Co. Policy No. Year Make Model Telephone No. VIN Vehicle Color Year Tag # State County Year Year Trailer Tag # State County Year <input type="checkbox"/> Same as Driver Owner's Last Name First Middle Address City State Zip														
Removed By Owners <input type="checkbox"/> Request <input type="checkbox"/> List					Removed By <input type="checkbox"/> Request <input type="checkbox"/> List																			
Alcohol Test 2		Type		Results		Drug Test 2		Type		Results		Alcohol Test		Type		Results								
Driver Condition 1		Direction of Travel 1		Vision Obscured 1		Contributing Factors 10		Driver Condition		Direction of Travel		Vision Obscured		Contributing Factors										
Vehicle Condition 1		Vehicle Maneuver 5		Pedestrian Maneuver				Vehicle Condition		Vehicle Maneuver		Pedestrian Maneuver												
Most Harmful Event 1		Vehicle Class 1		Vehicle Type 21		Most Harmful Event		Vehicle Class		Vehicle Type														
Traffic Control 1		Device Inoperative? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				Traffic Control		Device Inoperative? <input type="checkbox"/> Yes <input type="checkbox"/> No																
Injured Taken To NE Georgia Medical Center										By Banks County EMS														
EMS Notified Time 1950		EMS Arrival Time 2000		Hospital Arrival Time 2234		Photos Taken <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		By: Tpr. J. Lewis #336		Date Checked 04/28/2009														
Report By: TPR. J. Lewis #336					Department Post 6 Gainesville					Report Date 04/17/2009					Checked By: SFC P. D. Allen #187									
Witness(es) Name None Located					Address					City					Zip Code					Telephone No.				
DMVS MICROFILM NUMBER (DO NOT WRITE IN THIS SPACE)																								
COMMERCIAL VEHICLES ONLY																								
Carrier Name Vehicle # Address City State Zip							Carrier Name Vehicle # Address City State Zip																	
Number Of Axles		G.V.W.R.		Fed. Reportable 1 Yes 2 No		Cargo Body Type		Number Of Axles		G.V.W.R.		Fed. Reportable 1 Yes 2 No		Cargo Body Type										
Vehicle Config.		I.C.C.M.C. #		U.S. D.O.T. #		Interstate <input type="checkbox"/> Intra-state <input type="checkbox"/>		Vehicle Config.		I.C.C.M.C. #		U.S. D.O.T. #		Interstate <input type="checkbox"/> Intra-state <input type="checkbox"/>										
C.D.L.? 1 Yes 2 No		C.D.L. Suspended? 1 Yes 2 No		Hazardous Materials? 1 Yes 2 No		Released? 1 Yes 2 No		C.D.L.? 1 Yes 2 No		C.D.L. Suspended? 1 Yes 2 No		Hazardous Materials? 1 Yes 2 No		Released? 1 Yes 2 No										
If Yes, Name or 4 Digit Number From Diamond or Box 1 Digit Number From Bottom of Diamond Ran Off Road Down Hill Cargo Loss Or Shift Separation Of Units							If Yes, Name or 4 Digit Number From Diamond or Box 1 Digit Number From Bottom of Diamond Ran Off Road Down Hill Cargo Loss Or Shift Separation Of Units																	

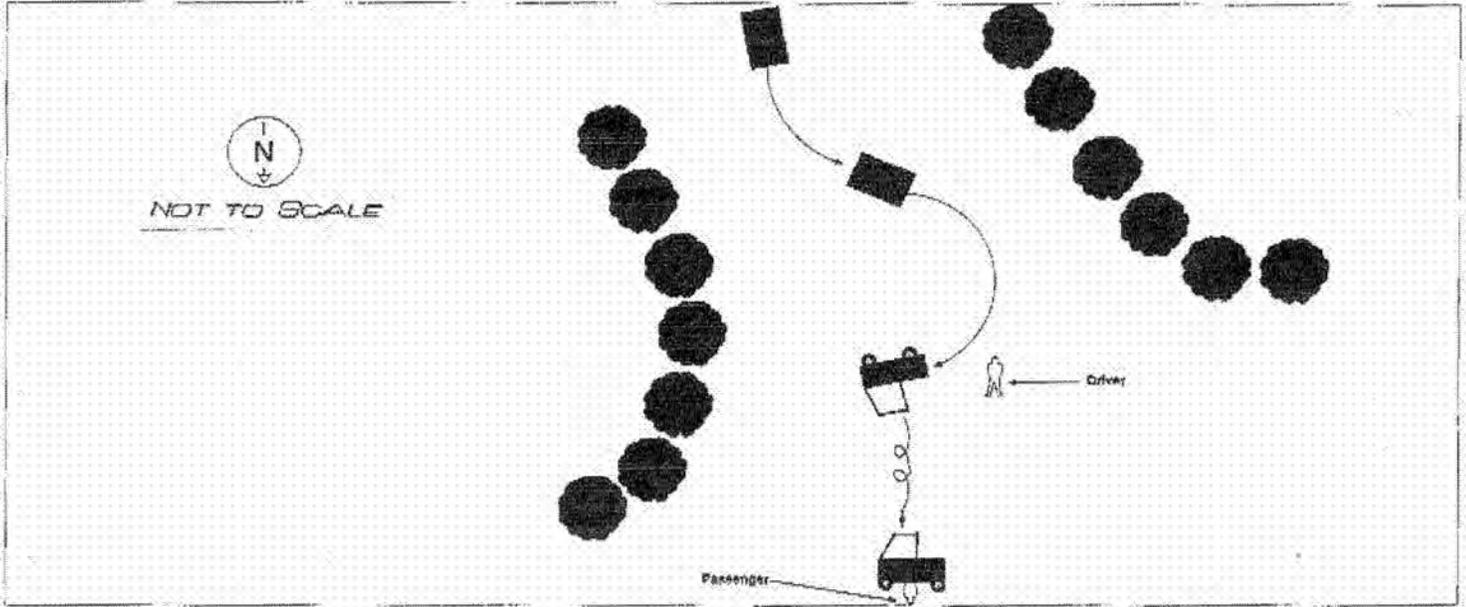
REMARKS Accident Number **06 - 0689 - 09** Date **04/17/2009** Time **2028** PAGE **2** OF **2**

Vehicle #1 was traveling down a hill in a pasture. Driver of vehicle #1 lost control and attempted to overcorrect causing the vehicle to travel onto its left side and eject the driver. After initial impact vehicle #1 continued to overturn ejecting the passenger and came to a final rest on its right side on top of the passenger.

This investigation was recorded on VHS.

INDICATE ON THIS DIAGRAM WHAT HAPPENED

Reported By: TPR. J. Lewis #336



Accident Investigation Site? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Citations - Vehicle # <u>1</u> None	Citations - Vehicle # _____
Site Number _____		

First Harmful Event	Traffic-Way Flow	Weather	Surface Cond.	Light Condition	Manner Of Collision	Location At Area Of Impact	Road Comp.	Road Defects	Road Character	Construction Maint. Zone
1		1	1	1	6	3	6	1	2	0

VEH # <u>1</u> VEH # _____	SKID DISTANCE <u>0</u> AFTER <u>0</u> Width Of Road _____
Number of Occupants <u>2</u>	BEFORE IMPACT VEH # <u>1</u> VEH # _____
Point Of Initial Contact <u>00</u>	VEH # _____ VEH # _____
Damage To Vehicles <u>2</u>	

Damage Other Than Vehicle	Owner	AGE	SEX	VEH NO	POS.	INJURY	TAKEN FOR TREAT.	EJEC	SAFETY EQUIP	EXTRIC	AIR BAG
Occupants	Driver # <u>1</u> Or Pedestrian # _____	15	[REDACTED]	[REDACTED]	[REDACTED]	3	1	3	0	2	0
	Driver # _____ Or Pedestrian # _____										

(b)(6) State Zip 12 F 1 3 1 2 3 0 2 0

090421HNE4376

Task Number: _____

Date: 6/12/09

Status of Missing Document(s)

The official records below were requested for this investigation report, but could not be obtained.

1. photo, utility vehicle
2. _____
3. _____
4. _____

Date: 6/12/09 Investigator No. 8925

Regional Office: _____ Supervisor No. _____

AUTHORIZED COPY
GHI - Open Records

CASE: 2009-1007800

STATE OF GEORGIA

GEORGIA BUREAU OF INVESTIGATION

RECORD OF MEDICAL EXAMINER

CITY HOMER		COUNTY BANKS			
NAME OF DECEASED (b)(6)					
RESIDENCE OF DECEASED (b)(6)					
AGE/DOB 12 YEARS - 1996	SEX F	RACE W			
MANNER OF DEATH	NATURAL	HOMICIDE	SUICIDE	ACCIDENTAL	UNDETERMINED
CAUSE OF DEATH			SIGNOUT		

PRONOUNCED DATE: 4/17/2009	HOUR: 20:46	PLACE: SCENE			
NOTIFIED BY (b)(6)	DATE 4/17/2009	HOUR 20:46			
BODY IDENTIFIED BY FAMILY		PHOTOGRAPHS BY			
INVEST. OFFICER K. BRYANT					
EMPLOYED BY BANKS CO. SHERIFF'S OFFICE - (#)					
CASE AGENCIES: Banks Co. Coroner Banks Co. Sheriff's Office # (2690411352) GBI-Medical Examiner-HQ DOFS # (DR. SPERRY)					
OTHER AGENCY Child Review Committee					
DATE IN		TIME IN			
BODY REMOVED FROM SCENE		REMOVED BY: CORONER			
ME INV.: JOHN GOODMAN		FUNERAL HOME			
PROC: CONSULTATION	DATE:	TIME:	BY: JACQUELINE MARTIN, MD		

DATE _____

SIGNED _____

MEDICAL EXAMINER

AUTHORIZED COPY

THE FOLLOWING INFORMATION WAS REPORTED ON 04/17/2009 BY (b)(6)
- Of The Banks CO. CORONER'S OFFICE REGARDING THE DEATH OF A 12 Y/O WF.

THE DECEDENT HAD A HEALTHY MEDICAL HISTORY. NO FOUL PLAY WAS INVOLVED IN THIS CASE. THE DECEDENT WAS APPROXIMATELY 5'4 IN HEIGHT AND WEIGHED APPROXIMATELY 110 LBS.

THE DECEDENT WAS DRIVING A KAWASAKI ATV WITH "ROLLING BARS AND A BED" ON IT. HER 15 Y/O FRIEND WAS RIDING ON THE BACK OF THE ATV WITH HER. THE DECEDENT WAS TAKING THE ATV DOWN A SLOPE BEHIND HER HOUSE WHEN SHE TOOK A SHARP TURN AND THE ATV "FISHTAILED." THE ATV FLIPPED AND CAME TO REST ON TOP OF THE DECEDENT. THERE WERE WITNESSES ON SCENE WHO SAW THE INCIDENT TAKE PLACE, BUT IT IS UNCLEAR AT THIS TIME HOW MANY PEOPLE WERE PRESENT. EMS WAS CALLED ON SCENE AT APPROXIMATELY 1950 HRS AND NO RESUSCITATIVE MEASURES WERE PERFORMED. ACCORDING TO THE CORONER, WHEN EMS ARRIVED THEY HAD TO PHYSICALLY LIFT THE ATV OFF OF THE DECEDENT. THE DECEDENT HAD MULTIPLE LESIONS IN THE ABDOMINAL AREA, BLUNT FORCE TRAUMA TO THE HEAD REGION, SWELLING DUE TO A RUPTURED AORTA, AND LEFT EYE DAMAGE. THE FRIEND SUFFERED EXTENSIVE INJURIES AND WAS TRANSPORTED TO THE HOSPITAL.

IT WAS REPORTED THAT THE TIME OF DAY WAS DUSK. THE WEATHER WAS CLEAR AND DRY. THERE WAS NO MOISTURE ON THE GROUND.

DR. MARTIN ADVISED THIS INVESTIGATOR THAT THIS CASE DID NOT WARRANT AN AUTOPSY. DAN WALKER STATED THAT HE WOULD SIGN THE DEATH CERTIFICATE BASED ON THE CIRCUMSTANCES.

THE DECEDENT WAS PRONOUNCED AT 20:46 AT THE SCENE.

JOHN GOODMAN

04/22/2009

ON 4/20/2009, THIS INVESTIGATOR CONTACTED DAN WALKER OF THE BANK'S CO. CORONER'S OFFICE REGARDING PARENT INFORMATION, PEDIATRICIAN INFORMATION, AND DFCS HISTORY OF THE DECEDENT. AT THAT TIME DAN WALKER COULD ONLY GIVE ME THE PARENTS NAMES AND HOME PHONE NUMBER.

TODAY, THIS INVESTIGATOR GOT IN TOUCH WITH DAN WALKER TO FOLLOW UP ON THIS CASE. DAN WALKER ADVISED THAT HE STILL HAS NOT RECEIVED THAT INFORMATION YET.

JOHN GOODMAN

The factual correctness of this investigative report may change contingent upon the receipt of additional investigative information or the findings of the medical examiner.

CONTACT INFORMATION:

Contacted on 4/22/09

Georgia State Patrol
Department of Public Safety
PO Box 1456
Atlanta, Georgia 30371
(404) 624-7597

William H. Galloway
Banks County Coroner
347 Hickory Creek Rd
(706) 652-2579

Georgia Bureau of Investigation/Medical Examiner
PO Box 370808
Decatur, GA 30037
(404) 270-8527

Contacted on 6/10/09

Georgia State Patrol
2000 Cleveland Hwy
Gainesville, GA 30506
(770) 535-6922

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HOME LOCAL/STATE NEWS

POSTED: SATURDAY, APRIL 18TH 2009 AT 8:46PM

EMAIL STORY CONTACT EDITOR PRINT BOOKMARK

Victim identified in fatal ATV crash

BY STAFF

ALTO - The Georgia State Patrol identified the girl who was killed in an ATV crash near West Coker Road in Alto Friday afternoon.

The victim was 12-year-old [redacted] of Alto. An operator with the State Patrol said the girl was driving in a pasture when she lost control of the ATV, ejecting a 15-year-old male passenger.

"The vehicle then overturned, ejecting the driver," the operator said. "The vehicle came to final rest on its side on top of the driver."

The girl was pronounced dead at the scene. The passenger was transported to Northeast Georgia Medical Center, according to the Patrol.

The 15-year-old's name has not been released.



Associated Categories: Homepage, Local/State News

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STING

This investigation was initiated through a March 12, 2009, news article. This incident involved a four-wheeled utility vehicle, a 20 year old driver (owner/consumer) and his 20 year old passenger on a two lane asphalt bridge in Herculaneum, MO. The victim in this incident is the 20 year old male passenger, 72 inches in height and weighing 177 pounds. The product involved in this incident is a Utility Vehicle (UTV). The UTV has a steering wheel, accelerator, brake pedal, and seatbelt. This incident involves the death of the victim who was a passenger in the vehicle. Information in this report was obtained from official reports and discussion with officials.

On March 7, 2009, a deputy for the local sheriff's department received a radio dispatch to respond to a bridge in Jefferson County, Missouri concerning a vehicle accident. The deputy responded to the location of the accident and observed EMS on the scene. The victim was lying supine on the pavement of the bridge. The deputy observed that the victim appeared to have serious injuries surrounding his head and face. The victim was transported to a local hospital where he was pronounced dead.

On May 7, 2009, this investigator went to the local sheriff's department and contacted the Evidence Technician and obtained the accident report and the fatality report of this incident. A copy of the Sheriff Department's accident report is included in this report as Exhibit B. A copy of the Sheriff Department's fatality report is included in this report as Exhibit C. The Evidence Technician stated that the photographs taken at the scene are being held as evidence by the sheriff's department for possible future prosecution of the driver in this incident.

On May 14, 2009, this investigator went to the residence of the driver/consumer of the incident UTV in Pevely, MO. The consumer was not home at the time of my visit but I was able to contact his girl friend and left her a business card with the request that he contact me concerning the accident.

On May 18, 2009, this investigator contacted the driver/consumer by telephone and requested an interview with him concerning the UTV accident he was involved in. The consumer declined my request stating that on his attorney's advice, he will not discuss the accident with anyone due to the possibility of pending legal issues he might be involved in. The consumer did state that he no longer owned the UTV and had sold it shortly after the incident. He refused to state who he had sold it to.

On May 11, 2009, this investigator went to the scene of the accident and took photographs of the area and the UTV's point of impact with the guard rail. Photographs of the scene are contained in Exhibit A.

According to a written statement made by the driver for the police, he and the victim went to a party at approximately 5:00 pm on March 6, 2009, and left the party at approximately 1:00 am, March 7, 2009. When they left the party, they took the incident UTV. The driver was wearing a seat belt but the passenger did not wear his. According to the police report neither the driver nor the passenger were wearing helmets.

According to the police report the UTV was traveling eastbound on a two lane concrete paved public road going around a curving left turn that led onto a bridge. The UTV was travelling at an unknown speed but was believed by the police officials to be at a high rate of speed. The driver stated to the police that as he entered the bridge and up a sharp corner to the bridge, he pushed on the brakes which caused the UTV to shift the

center of gravity and flip it onto its right side. According to the driver he did not have time to react as the UTV flipped over on the passenger side.

The UTV then slid into the bridge guardrail striking it with the UTV's roll bar. Upon the UTV striking the guardrail, the passenger was ejected and struck the guardrail with his head. The driver was not ejected from the UTV during the accident. The victim was accessed by the EMS personnel at the scene and transported by helicopter to a local hospital where he was pronounced.

According to the responding sheriff deputy's report, as he was processing the accident scene he observed a cardboard beer box lying beneath the bridge in a creek bed with numerous beer cans laying around the area of the box. The deputy secured this as evidence. The deputy then administered the Standard Field Sobriety Test to the driver to determine any signs of impairment. After the driver performed the tests he was placed under arrest and transported to the local police department where he was given a chemical breath test. The chemical test revealed a BAC of .008%.

The sheriff's report stated that the weather was clear with no precipitation and a dry road condition. The light condition was dark with no street lights, and the vision was not obscured.

On March 7, 2009, an autopsy was performed on the victim. The immediate cause of death was Craniocerebral Blunt Trauma due to victim's head striking the guardrail. The manner of death was ruled accidental. A copy of the coroner's report and autopsy is included in this report as Exhibit D.

The consumer's vehicle was not available for examination; therefore photographs were not taken. It is unknown if the vehicle had aftermarket modifications or if repairs had been done to it prior to or after the incident.

PRODUCT IDENTIFICATION:

The product involved in this investigation is a four-wheeled Utility Vehicle. The description of the product was obtained from the Sheriff's Report. A copy of the Utility Vehicle information sheet from www.polarisindustries.com is included in this report as Exhibit G.

Product:	2008 Polaris
Model:	Ranger RZR 800
VIN:	4XAVH76A19D654641
Engine:	Big Bore 800 Twin EFI
Manufacturer:	Polaris Industries Inc. 2100 Highway 55 Medina, MN 800-765-2747 www.polarisindustries.com

ATTACHEMENTS:

Exhibit A - Photographs

Exhibit B - Jefferson County Sheriff's Accident Report

Exhibit C - Jefferson County Fatality Report

Exhibit D - Jefferson County Medical Examiner Coroner Report

Exhibit F - Data Record Sheet – Utility Vehicles

Exhibit G - Copy of information page regarding utility vehicle from
www.polarisindustries.com

Exhibit H - Contact Information

Exhibit A – 1 Below shows the curving left turn leading to the bridge where the accident involving the incident UYV occurred.



Exhibit A – 2 below shows the opposite direction on the bridge that the UTV was heading.



Exhibit A – 3 below shows UTV's point of impact against the guardrail on the bridge.



Exhibit F - Data Record Sheet – Utility Vehicles

* PLEASE USE NHTSA PRODUCT CODE 5044 on the cover sheet (IS2) if the investigation confirms that the incident involves a utility vehicle.

* Please explicitly address each of the following questions in the IIR narrative. If no information is available for a specific question, please list the question number and indicate "no" or "not available."

1. Provide the terrain type for the incident (grass, pavement, gravel, etc.) and also indicate if the terrain is flat, sloped, etc. (concrete paved public road with a curvy left turn)
2. Determine if the driver and/or passengers were wearing seat belts. If they were wearing seat belts please list if they were ejected. (Driver was wearing a seat belt. The passenger was not wearing a seat belt)
3. Determine if they were wearing a helmet. (Driver and passenger were not wearing a helmet)
4. Determine ages of the driver and all passengers and list the person by age and location (ex. Driver 16 years, Passenger 13 year, etc.). (Driver and passenger both are 20 years old)
5. Determine speed at time of incident (ex. if not exact speed is available provide range (ex. Between 10-20mph) High rate of speed but actual speed is unknown)
6. Determine if the person was making a turn at the time of incident and if in what direction. If not, what were they doing? (Driver heading East and making a turning left turn.
Determine if the vehicle had aftermarket modifications. (None known)
8. Determine the model year of the product and if it was the 1st, 2nd, or 3rd year model. (2008 engine is a big bore twin 800111)
9. Please list on the cover sheet (IS2) in the manufacturer section "Yamaha" and in the model section "Rhino." (We need this for easy searching)
10. Determine if the vehicle rolled or tipped over. If so, did it land on or crush victim? (Also, please make sure you clearly identify who was killed, driver, passenger, and if passenger the location they were sitting in. Vehicle tipped over ejecting the passenger. The passenger was killed after striking the guardrail. Vehicle did not land or crush the victim)
11. Determine number of riders on the vehicle at time of incident. (Two)

Exhibit G - Copy of information page regarding utility vehicle from www.polarisindustries.com

RangerRZR : Experience : Experience

Page 1 of 1

The screenshot shows a website layout for the Ranger RZR. At the top, there is a dark navigation bar with the following tabs: "THE EXPERIENCE", "THE COMPARISON", "RANGER RZR" (with the tagline "RATOR SHARP SIDE X SIDE PERFORMANCE"), "THE CONNECTION", and "THE GALLERY". Below the navigation, on the left, is a "Keep updated!" form with a text input field and a submit button. To the right of the form is a "YOUR OWN WORLD FEATURES" box containing a profile picture icon and a list of features. The main content area features two images of the Ranger RZR vehicle, one in the foreground and one in the background. The word "RANGER" is displayed in a large, bold font at the bottom right of the vehicle images. At the very bottom of the page, there is a dark footer area with small text including "© 2009 POLARIS INC.", "POLARIS INDUSTRIES, INC.", and "POLARIS IS A POLARIS INDUSTRIES COMPANY".

Exhibit G - Copy of information page regarding utility vehicle from www.polarisindustries.com

2009 Polaris RANGER RZR Side-By-Side Utility Vehicle - Specifications & Price

Page 1 of 1

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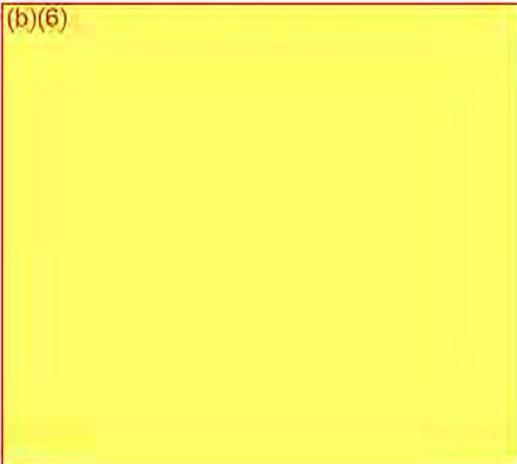

WANT TO GET THE MOST


Exhibit H - Contact Information

Jefferson County Sheriff Department
P.O. Box 100
Hillsboro, MO 63050
(636) 797-5027
Dave Floyd- Evidence Technician
Contact: 5/7/09

Jefferson County Medical Examiner's Office
3556 Caroline
St. Louis, MO 63104
(314) 977-7841
Kathleen Hargrave- Chief Investigator
Contact: 5/7/09

(b)(6)



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ISSUE 26

March 12, 2009

Pevely man, 20, dies in ATV accident on **Horine Road**

13 Mark **(b)(3):CPSA Secti**, 20, of **Pevely** was killed Saturday in an ATV crash in the **Herculeum** area.

(b)(3):CPS was riding in the two-passenger ATV, which was traveling north on **Horine Road** just north of **McNutt School Road** at about 1:45 p.m., the **Jefferson** County Sheriff's Office reported.

Capt. **Ralph Brown**, a Sheriff's Office spokesman, said the 20-year-old

driver of the ATV failed to negotiate a curve in the road near the **Joachim Creek** bridge, causing the vehicle to flip on its

side, ejecting **(b)(3):CPSA**

Brown said the vehicle, which is like a small dune buggy, was equipped with seat belts but neither of the men was wearing one.

Brown said **(b)(3):CPS** was taken to **Jefferson Regional** Medical Center in **Crystal City** where he was pronounced

dead later that day.

He said the driver had minor injuries and did not receive medial treatment.

Brown declined to name the driver.

"Our crash investigation is not complete yet," he said. "Until it is complete we are going to withhold that."

Brown said he did not believe charges will be filed against the driver.

"It just looked like it was just a freak accident," he said. "There is nothing to suggest otherwise."

(b)(3):CPSA was the nephew of **Pevely** Police Capt. **Dave Kaltenbronn**.

1. Task Number 090429CCC3543		2. Investigator's ID 8554		EPIDEMIOLOGIC INVESTIGATION REPORT
3. Office Code 840	4. Date of Accident YR MO DAY 2009 02 21	5. Date Initiated YR MO DAY 2009 04 30		
6. Synopsis of Accident or Complaint UPC A 20-year old man was driving his 4-wheeled utility vehicle along a flat gravel roadway in desert terrain. A 43 year old man was riding in the front passenger seat. They were not wearing helmets nor were they using their seat belts. The driver decided to make a left turn. He was traveling about 2 or 3 MPH as he made the turn. The front tires of his vehicle fell into a 1 foot wide by 1 foot deep ditch that extended across the road. The vehicle flipped over onto its passenger side & came to rest. The two men were not injured or ejected. <p style="text-align: right;"><u>MFR/PRVLBR NOTIFIED</u> COMMENTS: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> OVERRULED; <input type="checkbox"/> ATTACHED <input checked="" type="checkbox"/> EXCISIONS/FOIA EXS. 25c, 6 <input checked="" type="checkbox"/> DO NOT RE-NOTIFY <input type="checkbox"/> RE-NOTIFY <i>Cmm 6/15/09</i></p>				
7. Location (Home, School, etc) 5 - OTHER PUBLIC PROPERTY		8. City BUMBLE BEE		9. State AZ
10A. First Product 5044 - Utility Vehicles		10B. Trade/Brand Name YAMAHA		10C. Model Number RHINO 700
10D. Manufacturer Name and Address YAMAHA MOTOR CORPORATION, USA 6555 Katella Avenue Cypress, CA 90630				
11A. Second Product 0		11B. Trade/Brand Name NONE		11C. Model Number NONE
11D. Manufacturer Name and Address NONE				
12. Age of Victim 20	13. Sex 1 - Male	14. Disposition 0 - No Injury	15. Injury Diagnosis 70 - No Injury	
16. Body Part(s) Involved 99 - NO INJURY	17. Respondent 1 - Victim/Complainant	18. Type of Investigation 2 - Telephone	19. Time Spent (Operational / Travel) 6 / 0	
20. Attachment(s) 2 - Documents		21. Case Source 07 - Consumer Complaint		22. Sample Collection Number
23. Permission to Disclose Name (Non NEISS Cases Only) <input type="radio"/> Yes <input checked="" type="radio"/> No <input type="radio"/> Verbal <input type="radio"/> Yes for Manuf. Only				
24. Review Date 05/13/2009	25. Reviewed By 9035		26. Regional Office Director Frank J. Nava	
27. Distribution Topka, Tanya			28. Source Document Number I0940661A	

This tip-over incident involved a 4-wheeled utility vehicle, a 20 year old driver (Owner/Consumer) and his 43 year old passenger on a gravel roadway in Arizona. Information in this report was obtained from the Owner/Driver of this vehicle.

The Owner stated that he purchased a 2008 model 4-wheeled utility vehicle around July 2008 at a local off-road retail center. I asked if he took any driver orientation classes from the retailer and he said no. He mentioned that this firm is no longer in business.

He told me that during the summer months he used his utility vehicle at least one and sometimes two weekends each month. He and his friends used the vehicle to travel around rugged desert areas and for hunting pigs with their handguns.

His vehicle was used along paved roadways, dirt/gravel roads and in roughed desert and mountain terrains. The Driver said that he would use the 2-wheel drive feature of his vehicle when traveling along graded or paved roadways. He switched to 4-wheel drive when operating along roughed terrain.

I was told that each use of his utility vehicle could last from as little as one hour and up to as much as 5 or 6 hours.

According to the Owner, he did not experience any problems with his utility vehicle until the tip-over incident which took place during February 2009.

He told me that he along with about 8 friends decided to go pig hunting (with handguns) in a rugged desert area of Arizona. They took their trailers and 3 or 4 different off-road vehicles with them up to this rural area. He identified these vehicles as including 4-wheel All Terrain Vehicles (ATVs) and his 4-wheeled utility vehicle.

It was around Friday, February 20, 2009 when they traveled up north and set up a camp. He identified their camp site as being to the south of an old ghost town (Bumble Bee). This ghost town is located in the Bradshaw Mountains of Yavapai County, Arizona.

After making camp his group did some hunting. They traveled around the area during the morning of Saturday (2-21-2009). Later that day they returned to camp and had lunch.

I was told that he was not drinking alcohol during this trip. He identified his beverages as including soft drinks and water.

About 3 hours after lunch one of their group decided to ride around on his quad (4-wheeled ATV). The Owner decided to go watch his friend ride his ATV.

He said that they were wearing their hunting clothing as they returned to their vehicles. The Owner explained that he was wearing a long sleeve shirt, jeans and boots.

The Owner told me that he got behind the driver's seat while a 43 year old friend sat down in the front passenger's seat of his vehicle.

The Owner described himself as being 20 years old, weighing 130 pounds and measuring about 60 inches tall. His friend who was riding in his vehicle was described as 43 years old, weighing about 220 pounds and being about 73 inches tall.

He started his utility vehicle and began driving it along a roadway that was near their camp. They followed his friend who was riding the ATV.

The Owner said that he and his passenger were not wearing helmets nor were they using their seat belts.

The tip over incident took place about 10 minutes later as they were traveling east along the gravel roadway.

The Owner was not able to provide me with a specific road address/GPS location where this incident took place or where their camp was located.

He said that the roadway was flat and that it was wide enough to handle two lanes of traffic. He was going to make a left turn in the gravel road. He mentioned that the roadway made a "T" as it reached another road.

There was a ditch that crossed the flat, gravel roadway on which they were traveling. He described this ditch as being about one foot deep by one foot wide. It extended across the roadway for several yards.

The Owner said that he had his hands on his steering wheel and was traveling at a very slow rate of speed (about 2 or 3 miles per hour). The vehicle was in 2 wheel drive as he turned his steering wheel to his left.

As the vehicle started making a left turn, the two front tires/wheels on his vehicle turned to their left.

Suddenly the two front tires slipped into the one foot deep ditch that was across the roadway. The back of his vehicle continued moving forward and tipped it over onto its side.

He said that his vehicle came to rest on its passenger's side.

No one was injured during this incident. The Owner said that he and his passenger held onto the vehicle as it flipped and landed on its side.

They got out of the vehicle and with the help of several other people they were able to push the vehicle back to an upright position. He said that his vehicle did suffer some damage to its side but he was able to drive it away from the site.

Around March the victim was notified by the manufacturer of his utility vehicle about a recall/repair program covering his model vehicle. The firm was advising consumers to have their vehicles brought into the shop so modifications could be made in order to improve the vehicles stability.

A copy of the CPSC news release covering this recall is attached as exhibit # 2.

The Owner notified the U.S. Consumer Product Safety Commission about this tip over incident. I contacted the Owner and he told me about this incident during telephone conversations on May 7 & 12, 2009.

The consumer's vehicle was not available for examination. He would not give permission for me to see his utility vehicle. The consumer said that he had moved his vehicle to a rural area in northern Arizona.

PRODUCT IDENTIFICATION

This utility vehicle was identified as a 2008 Rhino, model 700, from Yamaha Motor Corporation, Cypress, CA.

The retailer where the consumer said he purchased his vehicle was identified as Ride Now, Goodyear, AZ.

According to the Owner, at the time of this tip over incident his vehicle did not have any aftermarket modifications on it.

The VIN number of this vehicle is unknown.

CONTACTS:

PURPOSE & RESULTS:

Owner

Incident scenario & product info

EXHIBITS:

1. DATA RECORD SHEET - UTILITY VEHICLES
2. CPSC NEWS RELEASE
3. MISSING DOCUMENT FORM
4. CONTACT SHEET

.

.

Utility Vehicle Investigation Guide

Use NEISS Product Code 5044 on Form 182 for incidents involving Utility Vehicles. Please answer the following questions. If no answer is available, indicate "N/A" (not available).

1. Provide the terrain type for the incident (grass, pavement, gravel etc.) and also indicate if the terrain is flat, sloped, etc.

Flat dirt/gravel roadway

2. Determine if the driver and/or passengers were wearing seat belts. If they were wearing seat belts, please note if the driver and or passenger were ejected (either partially or fully) during the incident.

No. Driver/passenger were not wearing seat belts.

3. Determine if the driver and or passengers were wearing helmets.

No, They were not wearing helmets

4. Determine ages of the driver and all passengers, and list each person by age and location in the vehicle.

*Driver: 20 years old in driver's seat
Passenger: 43 years old in front passenger's seat*

5. Determine the vehicle's speed at the time of the incident. If the exact speed is not available, please provide a range (e.g. 10 – 20 mph).

*Owner estimated vehicle's speed at 2-3 mph
Very slow.*

6. Determine if the driver was making a turn at the time of the incident and, if so, in what direction the turn was being made. Also, please note any other reported driver actions at the time of the incident (e.g. braking, etc.).

Driver was making a left turn & front wheels went into a ditch

7. Determine if the vehicle had aftermarket modifications.

No.

8. Determine the make, model, and model year of the vehicle. If possible, provide complete product identification information including brand, date manufactured, date of purchase, place of purchase, model/serial numbers, costs, etc.

*2008 Yamaha model 700 Rhino
Purchased around July 2008
at Ride Now, Goodyear, AZ (no longer in business per owner)*

9. On Form 182 list the vehicle manufacturer (e.g. Yamaha) in block 10b or 11b and the vehicle model (e.g. Rhino) in block 10c or 11c.

Yamaha - 700 Rhino

10. Determine if the vehicle rolled or tipped over.

Vehicle rolled/tipped onto passenger's side

11. Determine the number of riders on the vehicle at the time of the incident.

2 people were in the vehicle

12. For each person injured or killed please note the following:

N/A - No Injury

Was the victim a driver or a passenger and where was the victim located in the vehicle

Did the vehicle land on or crush the victim

N/A

Was the victim injured or killed

N/A

Please note the nature of any injuries

N/A

NEWS from CPSC

U.S. Consumer Product Safety Commission

Office of Information and Public Affairs

Washington, DC 20207

FOR IMMEDIATE RELEASE

March 31, 2009

Release #09-172

Yamaha Hotline: (800) 962-7926

CPSC Hotline: (800) 638-2772

CPSC Media Contact: (301) 504-7908

Updated To Include Additional Model Information

Yamaha Motor Corp. Offers Free Repair For 450, 660, and 700 Model Rhino Vehicles

CPSC advises consumers not to use the off-road vehicles until repaired

WASHINGTON, D.C. - The U.S. Consumer Product Safety Commission (CPSC), in cooperation with Yamaha Motor Corp. U.S.A., of Cypress, Calif., is announcing a free repair program to address safety issues with all Rhino 450, 660, and 700 model off-highway recreational vehicles. Yamaha has also agreed to voluntarily suspend sale of these models immediately until repaired. Consumers should immediately stop using these popular recreational vehicles until the repair is installed by a dealer.

CPSC staff has investigated more than 50 incidents involving these three Rhino models, including 46 driver and passenger deaths involving the Rhino 450 and 660 models. More than two-thirds of the cases involved rollovers and many involved unbelted occupants. Of the rollover-related deaths and hundreds of reported injuries, some of which were serious, many appear to involve turns at relatively low speeds and on level terrain.

About 120,000 of the 450 and 660 model Rhinos have been distributed nationwide since Fall 2003. Some units have been equipped by Yamaha with half doors and additional passenger handholds, either before or after sale.

Yamaha's repair includes the installation of a spacer on the rear wheels as well as the removal of the rear anti-sway bar to help reduce the chance of rollover and improve vehicle handling, and continued installation of half doors and additional passenger handholds where these features have not been previously installed to help keep occupants' arms and legs inside the vehicle during a rollover and reduce injuries. Owners of the affected Rhinos should stop using them and call their dealer to schedule an appointment to have repairs made once they are available and to take advantage of a free helmet offer.

Yamaha is also voluntarily implementing the same repair program and suspension of sale for the Rhino 700 model, in order to ensure customer satisfaction. Consumers should stop riding the 700 model until it is repaired. About 25,000 Rhino 700s are part of this repair program.

Once these repairs have been made to their vehicles, Rhino users should always wear their helmet and seatbelt and follow the safety instructions and warnings in the on-product labels, owner's manuals and other safety materials. The Rhino is only recommended for operators 16 and older with a valid driver's license. All passengers must be tall enough to place both feet on the floorboard with their back against the seat back.

For additional information, contact Yamaha at 800-962-7926 anytime, or visit the firm's Web site at www.yamaha-motor.com



Rhino 450 (with doors)



Rhino 450 (without doors)



Rhino 660 (without doors)

CPSC is still interested in receiving incident or injury reports that are either directly related to this product recall or involve a different hazard with the same product. Please tell us about it by visiting <https://www.cpsc.gov/cgibin/incident.aspx>

Send the link for this page to a friend! The U.S. Consumer Product Safety Commission is charged with protecting the public from unreasonable risks of serious injury or death from thousands of types of consumer products under the agency's jurisdiction. The CPSC is committed to protecting consumers and families from products that pose a fire, electrical, chemical, or mechanical hazard. The CPSC's work to ensure the safety of consumer products - such as toys, cribs, power tools, cigarette lighters, and household chemicals - contributed significantly to the decline in the rate of deaths and injuries associated with consumer products over the past 30 years.

To report a dangerous product or a product-related injury, call CPSC's Hotline at (800) 638-2772 or CPSC's teletypewriter at (800) 638-8270. To join a CPSC e-mail subscription list, please go to <https://www.cpsc.gov/cpsclist.aspx>. Consumers can obtain recall and general safety information by logging on to CPSC's Web site at www.cpsc.gov.

Task No. 090429CCC3543

Date: 5-12-2009

STATUS OF MISSING DOCUMENT (S)

An official document for this investigation report could not be obtained.

- 1. CPSC form # 322 - (Consumer verbally asked for confidentiality)

- 2. _____
- 3. _____
- 4. _____
- 5. _____

Date: 5-12-2009

Investigator No: # 8554

Regional office: CFIW

Supervisor No: # 9035

CONTACT & IDENTIFICATION SHEET

NOTES:

I spoke with the Owner/Driver via telephone during May 7 and 12, 2009. I was not able to visit the location of the incident because the Owner was not able to provide a specific address/road name or GPS location. It happened in the rural area to the south of the ghost town known as Bumble Bee, Arizona

- The vehicle was not available for examination. Several requests were made to see the vehicle. He did not give permission. He responded that he had moved his vehicle to a rural area in northern Arizona (Happy Jack, AZ). Happy Jack, AZ is located about 155 miles from the CPSC Arizona Office.
- The Owner requested that his identity remain confidential.

Owner – (b)(3).CPSA Section 25(c)

Friend – (b)(6)

Retailer – Ride Now, Goodyear, AZ

Incident location: Rural area south of Bumble Bee, Arizona
no known street/road location or GPS was available

Location of vehicle: an unknown address near Happy Jack, Arizona

INCIDENT INVESTIGATION TERMINATION REPORT

1. TASK NO. 090504HWE8213		2. TIME EXPENDED 2.0/0.0		3. DATE INITIATED 5/6/09	
4. HOSPITAL NO.			5. RECORD NO.		6. AGE 10
7. SEX male					
8. DATE OF TREATMENT		9. INJURY		10. BODY PART	
11. DISPOSITION fatality					
12. PRODUCT atv		13. PRODUCT CODE 3286		14. ORGANIZATION CODE CFIW	
15. INVESTIGATOR ID 8109					
16. CATID NO.			17. SPECIAL STUDY NO.		18. TERMINATION CODE
19. RECORD OF ATTEMPTS TO CONTACT					
DATE		TIME		METHOD	
RESPONSE					
5/6/09				faxed request	
no reply					
				for coroner's	
report					
5/6/09				faxed request.	
no reply					
				for CHP report	
6/4/09				called CHP	
report not ready					
6/9/09				called CHP	
report not ready					
6/9/09				called coroner	
report not ready					
20. REASON FOR TERMINATION:					
7/28/09..... called CHP report not ready.					
7/28/09..... called coroner report not ready.					
Neither the CHP report nor the coroner's report were available for review or discussion and no dates were give when reports would be available..					
21 REVIEWED BY:		ID NO.		MO DAY YR	
.....		9035	8/3/09	



U.S. Consumer Product Safety Commission

Saving Lives and Keeping Families Safe

WESTERN REGIONAL OFFICE
904 Silver Spur Rd., #195
Rolling Hills Estates, CA 90274

Ted Doi
Product Safety Investigator

310-373-0535 (phone)
866-443-6764 (e-fax)
tdoi@cpsc.gov

DATE: May 6, 2009

TO: CHP, Riverside Office

Fax No.: 951-637-8003

ATTN: Records

SUBJECT: Request for Accident Investigation Report

We are requesting a copy of the CHP report and all related documents pertaining to the following incident which our federal agency is investigating. Please see the attached CHP letter of agreement to the agency.

Victim: Baltazar Bradley Barron

Date & time of Incident: 04-26-2009, 9:00 p.m.

Place of Incident: near Reche Canyon Rd. about 1 mile west of
Moreno Beach Dr.

Nature of Incident: ATV overturned & rolled over the victim

Investigating CHP Officer: Sylvia Mosley

Please mail or fax the copy to the above address.

Thank you.



U.S. Consumer Product Safety Commission

Saving Lives and Keeping Families Safe

WESTERN REGIONAL OFFICE
904 Silver Spur Rd., #195
Rolling Hills Estates, CA 90274

Ted Doi
Product Safety Investigator

310-373-0535 (phone)
866-443-6764 (e-fax)
tdoi@cpsc.gov

DATE: May 6, 2009

TO: Riverside County Coroner

FAX NO.: 951-443-2303

ATTN: Records

SUBJECT: Request for Investigation Report

We are requesting a copy of the coroner's report and all related documents pertaining to the following incident which our federal agency is investigating.

Name of Decedent: Baltazar Bradley Barron

Date of Death: 04-26-2009

Place of Death: Riverside County Regional Medical Center

Nature of Death: ATV overturned & rolled over the victim

Please mail or fax the copy to the above address.

Thank you.

DEPARTMENT OF CALIFORNIA HIGHWAY PATROL

P. O. Box 942898
Sacramento, CA 94298-001
(916) 657-7194
(800) 735-2929 (TT/TDD)
(800) 735-2922 (Voice)



File No.: 03.10200.A12723.042

Frank J. Nava
Regional Director
U. S. Consumer Product Safety Commission
Western Regional Office
1301 Clay Street, Suite 610 N
Oakland, CA 94612

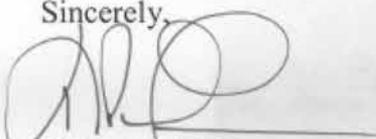
Dear Mr. Nava:

The California Highway Patrol (CHP) has received your letter dated November 3, 2004, requesting clearance for your investigators to receive reports, photographs, and other information relative to their cases.

Your request to have your investigators receive CHP reports and/or data is approved. The CHP will cooperate and assist your staff in receiving the requested information in a timely manner.

If you have any additional questions, please contact Mr. Arnie Pierce, Commander, Support Services Section at (916) 375-2828.

Sincerely,



K. P. GREEN
Acting Assistant Commissioner, Staff



1. Task Number 090504HWE8215		2. Investigator's ID 9086		EPIDEMIOLOGIC INVESTIGATION REPORT
3. Office Code 840	4. Date of Accident YR MO DAY 2009 04 17	5. Date Initiated YR MO DAY 2009 05 11		
6. Synopsis of Accident or Complaint UPC Victim, a 31-year-old male, was driving a four-wheeled, utility vehicle at night without wearing a seat belt or helmet. The private dirt roads were not lit and the victim failed to negotiate a left turn and went over an embankment and into a ravine. Victim was ejected from the vehicle and the vehicle hit a tree and rolled over on top of victim, causing crushing and laceration injuries to victim. Victim was pronounced dead at the scene.				
<p>MER/PRVLBR NOTIFIED</p> <p>COMMENTS: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> OVERRULED; <input type="checkbox"/> ATTACHED <input checked="" type="checkbox"/> EXCISIONS/FOIA EXS. 3, 25, 6 <input checked="" type="checkbox"/> DO NOT RE-NOTIFY <input type="checkbox"/> RE-NOTIFY</p> <p style="text-align: right;"><i>3/24/10</i></p>				
7. Location (Home, School, etc) 4 - STREET OR HIGHWAY		8. City SANTA YSABEL		9. State CA
10A. First Product 5044 - Utility Vehicles		10B. Trade/Brand Name POLARIS/VIN YXARD68A56D746867		10C. Model Number RANGER
10D. Manufacturer Name and Address POLARIS INDUSTRIES INC. 1225 Highway 169 North Minneapolis, MN 55441				
11A. Second Product 0		11B. Trade/Brand Name NONE		11C. Model Number NONE
11D. Manufacturer Name and Address NONE				
12. Age of Victim 31	13. Sex 1 - Male	14. Disposition 8 - Death	15. Injury Diagnosis 54 - Crushing	
16. Body Part(s) Involved 85 - ALL OF BODY	17. Respondent 3 - 2nd Hand Info Only	18. Type of Investigation 2 - Telephone	19. Time Spent (Operational / Travel) 16 / 0	
20. Attachment(s) 9 - Multiple Attachments		21. Case Source 05 - Newspaper		22. Sample Collection Number
23. Permission to Disclose Name (Non NEISS Cases Only) <input type="radio"/> Yes <input checked="" type="radio"/> No <input type="radio"/> Verbal <input type="radio"/> Yes for Manuf. Only				
24. Review Date 08/03/2009	25. Reviewed By 9035		26. Regional Office Director Frank J. Nava	
27. Distribution Streeter, Robin; Garland, Sarah			28. Source Document Number N0950005A	

Task #: 090504HWE8215

This In-Depth Investigation (IDI) is a follow up to a newsclip under N0950005A.

The incident involved a four wheeled utility vehicle not owned by Victim but by his immediate boss who was the owner of the ranch he was working at. Victim is a 31 year old male who died as a result of an accident while driving a utility vehicle. All the information contained in this report was provided by the coroner's report, Exhibit 2, and the highway patrol's reports, Exhibit 1. Photos were provided by the highway patrol record's custodian and are appended under Exhibit 3 of this report.

Victim was a hunting dog trainer and was working for a ranch owner when this incident occurred. Victim had received a new cell phone on the day of the incident and was only able to contact his wife in certain areas of the ranch. One of those areas was an area where two private roads came together and where he was found after the accident. It is suspected that he was going down the road, possibly going to the intersection of where the two private roads merged, to place a call to his wife who resided out of state.

On the evening of the incident Victim stayed at the ranch while others went for dinner at a nearby casino. The owner of the ranch, his wife, and another couple went to dinner at about 8 p.m. and upon their return the owner saw lights down at the bottom of a ravine where two roads intersect. He noticed it was his utility vehicle at the bottom of the ravine. He climbed down the ravine to the vehicle and found the vehicle on top of Victim. He pulled the vehicle off with a wench and started first aid while the other couple went to the house to call for help.

The highway patrol was advised of the incident and an intermountain rescue ensued. The intermountain volunteer fire department responded to the scene to assist with medical care and extrication of the victim.

The collision occurred at the intersection of two private roads and was located in an unincorporated region. One of the roads is an east-west, private dirt roadway and at the incident site makes a left turn and continues up hill, refer to Exhibit 1, pgs. 4-5 for drawings. The collision occurred off the north side of the roadway. The roadway is bordered on the north side by an ascending dirt/shrub embankment which changes to a descending embankment leading to a dry stream bed. To the south, the roadway is bordered by an ascending dirt/shrub embankment. The other road runs off to the northeast from the intersection and is a private dirt roadway. The roadway is composed of dirt and has a descending grade as it extends to the west. The roadway is bordered to the north by an ascending dirt/shrub embankment and to the south by a descending dirt/shrub embankment. There are no traffic controls for this roadway. The weather was clear and dry and had no affect on the collision scene per the traffic report. The collision occurred during the hours of darkness and there were no overhead lighting. There were no visibility obstructions along the first private road in the vicinity of the collision scene.

Task #: 090504HWE8215

The report does not give a rate of speed for the utility vehicle. It indicates that Victim was ejected as he was not wearing a seat belt which was operational in the vehicle nor was he wearing a helmet. The vehicle struck an Oak tree as it went down the embankment and overturned landing on top of Victim who had landed left of the tree when he was ejected. It was concluded that Victim failed to negotiate a left turn and struck a dirt berm on the north side of the road going into the ravine.

The terrain type was further described as dirt roads bordered by dirt embankments. No street lights with some reflectors placed on the sides of road at undetermined distances. The road is flat with slopes going down or up on each side of road.

Although the speed was not listed in the records there was no indication that Victim was traveling at a high speed but failed to negotiate a left turn.

There was no indication that there were aftermarket modifications to the vehicle but that it was unlicensed and only used at the ranch.

Victim suffered extensive thoracic injuries, primarily on the right side including anterior and posterior rib fractures and pulmonary contusions. Victim was pinned and partially crushed under the vehicle prohibiting respirations and blood flow. Victim suffered from lacerations, contusions, and abrasions of the face and extremities, but no significant internal head trauma or internal abdominal trauma. Blood ethanol concentration of 0.19 % was detected and a screen for cannabinoids was positive. No other illicit drugs were detected. Cause of death is blunt force trauma of the torso and the manner of death was accidental.

Contact with wife's owner was made and she provided vehicle information regarding where it was purchased, when, and how much.

Product Identification:

The product is a 2004 Polaris Ranger.

VIN #: YXARD68A56D746867.

Purchased new from Polaris Dealership in Idaho Falls, Idaho in 2004 for \$14,000.

The utility vehicle was tan and green in color.

Photos of this vehicle can be viewed under Exhibit 3.

Task #: 090504HWE8215

Photos of this vehicle can be viewed under Exhibit 3.

EXHIBITS

1. California Highway Patrol Report pages 1-10
2. Coroner's Report, pages 1-14
3. Photos, pages 1-8
4. Contact List

LOCATIO MILEPOST INFORMATION: GPS COORDINATES LATITUDE 33.20970° LONGITUDE - 116.73659° PHOTOGRAPHS BY: NONE

AT INTERSECTION WITH: STATE HWY REL X OR: .7 MILE(S) EAST OF MESA GRANDE ROAD YES X NO

PARTY 1 DRIVER'S LICENSE NUMBER 5680024 STATE OR CLASS F AIR BAG P SAFETY EQUIP. D VEH. YEAR 2004 MAKE / MODEL / COLOR POLARIS RANGER TAN/GRN LICENSE NUMBER NONE STATE

DRIVER NAME(FIRST, MIDDLE, LAST) (b)(6) OWNER'S NAME SAME AS DRIVER (b)(6)

PEDES-TRIAN PARKED VEHICLE BICY-CLIST SEX M HAIR BRN EYES BLU HEIGHT 5-10 WEIGHT 180 BIRTHDATE 10/03/1977 RACE W

OTHER HOME PHONE UNKNOWN BUSINESS PHONE INSURANCE CARRIER POLICY NUMBER

DIR OF TRAVEL ON STREET OR HIGHWAY W EAGLE GAP ROAD SPEED LIMIT VEHICLE IDENTIFICATION NUMBER: YXARD68A56D746867

VEHICLE TYPE 06 DESCRIBE VEHICLE DAMAGE UNK MOD NONE MAJOR MINOR ROLL-OVER SHADE IN DAMAGED AREA

CA DOT CAL-T TCP/PSC MC/MX

PARTY 2 DRIVER'S LICENSE NUMBER STATE CLASS AIR BAG SAFETY EQUIP. VEH. YEAR MAKE / MODEL / COLOR LICENSE NUMBER STATE

DRIVER NAME(FIRST, MIDDLE, LAST) OWNER'S NAME SAME AS DRIVER

PEDES-TRIAN STREET ADDRESS OWNER'S ADDRESS SAME AS DRIVER

PARKED VEHICLE CITY / STATE / ZIP DISPOSITION OF VEHICLE ON ORDERS OF: OFFICER DRIVER OTHER

BICY-CLIST SEX HAIR EYES HEIGHT WEIGHT BIRTHDATE YEAR RACE PRIOR MECHANICAL DEFECTS NONE APP. REFER TO NARRATIVE

OTHER HOME PHONE BUSINESS PHONE VEHICLE IDENTIFICATION NUMBER:

INSURANCE CARRIER POLICY NUMBER VEHICLE TYPE DESCRIBE VEHICLE DAMAGE UNK MOD NONE MAJOR MINOR ROLL-OVER

DIR OF TRAVEL ON STREET OR HIGHWAY SPEED LIMIT CA DOT CAL-T TCP/PSC MC/MX

PARTY 3 DRIVER'S LICENSE NUMBER STATE CLASS AIR BAG SAFETY EQUIP. VEH. YEAR MAKE / MODEL / COLOR LICENSE NUMBER STATE

DRIVER NAME(FIRST, MIDDLE, LAST) OWNER'S NAME SAME AS DRIVER

PEDES-TRIAN STREET ADDRESS OWNER'S ADDRESS SAME AS DRIVER

PARKED VEHICLE CITY / STATE / ZIP DISPOSITION OF VEHICLE ON ORDERS OF: OFFICER DRIVER OTHER

BICY-CLIST SEX HAIR EYES HEIGHT WEIGHT BIRTHDATE YEAR RACE PRIOR MECHANICAL DEFECTS NONE APP. REFER TO NARRATIVE

OTHER HOME PHONE BUSINESS PHONE VEHICLE IDENTIFICATION NUMBER:

INSURANCE CARRIER POLICY NUMBER VEHICLE TYPE DESCRIBE VEHICLE DAMAGE UNK MOD NONE MAJOR MINOR ROLL-OVER

DIR OF TRAVEL ON STREET OR HIGHWAY SPEED LIMIT CA DOT CAL-T TCP/PSC MC/MX

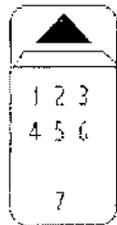
PREPARER'S NAME D. A. STOWERS 009569 DISPATCH NOTIFIED YES NO MIA REVIEWER'S NAME DATE REVIEWED 5-15-09

Handwritten notes: HBC, DIV. HWY., CO RD. DEP., D.A., CORONER, JUV., P.D., USBP, SDSO, CALTRANS, 05-18-09

Vertical handwritten text: 09-04-02297

Handwritten signature and date: [Signature] 5-15-09

SEATING POSITION



- 1 - DRIVER
- 2 TO 6 - PASSENGERS
- 7 - STA. WGN REAR
- 8 - RR. OCC TRK. OR VAN
- 9 - POSITION UNKNOWN
- 0 - OTHER

SAFETY EQUIPMENT

OCCUPANTS

- A - NONE IN VEHICLE
- B - UNKNOWN
- C - LAP BELT USED
- D - LAP BELT NOT USED
- E - SHOULDER HARNESS USED
- F - SHOULDER HARNESS NOT USED
- G - LAP/SHOULDER HARNESS USED
- H - LAP/SHOULDER HARNESS NOT USED
- J - PASSIVE RESTRAINT USED
- K - PASSIVE RESTRAINT NOT USED

L - AIR BAG DEPLOYED

- M - AIR BAG NOT DEPLOYED
- N - OTHER
- P - NOT REQUIRED

CHILD RESTRAINT

- Q - IN VEHICLE USED
- R - IN VEHICLE NOT USED
- S - IN VEHICLE USE UNKNOWN
- T - IN VEHICLE IMPROPER USE
- U - NONE IN VEHICLE

M/C BICYCLE - HELMET

- | | |
|---------------|------------------|
| DRIVER | PASSENGER |
| V - NO | X - NO |
| W - YES | Y - YES |

EJECTED FROM VEHICLE

- 0 - NOT EJECTED
- 1 - FULLY EJECTED
- 2 - PARTIALLY EJECTED
- 3 - UNKNOWN

INACTIVITY CODES

- A - CELL PHONE HANDHELD
- B - CELL PHONE HANDSFREE
- C - ELECTRONIC EQUIPMENT
- D - RADIO / CD
- E - SMOKING
- F - EATING
- G - CHILDREN
- H - ANIMALS
- I - PERSONAL HYGIENE
- J - READING
- K - OTHER

ITEMS MARKED BELOW FOLLOWED BY AN ASTERISK (*) SHOULD BE EXPLAINED IN THE NARRATIVE.

PRIMARY COLLISION FACTOR LIST NUMBER (M) OF PARTY AT FAULT	TRAFFIC CONTROL DEVICES	1	2	3	SPECIAL INFORMATION	1	2	3	MOVEMENT PRECEDING COLLISION
A VC SECTION VIOLATED: CITED <input type="checkbox"/> YES <input type="checkbox"/> NO	A CONTROLS FUNCTIONING				A HAZARDOUS MATERIAL				A STOPPED
	B CONTROLS NOT FUNCTIONING*				B CELL PHONE HANDHELD IN USE				B PROCEEDING STRAIGHT
1 B OTHER IMPROPER DRIVING*	C CONTROLS OBSCURED				C CELL PHONE HANDSFREE IN USE	X			C RAN OFF ROAD
	X D NO CONTROLS PRESENT / FACTOR*	X			D CELL PHONE NOT IN USE				D MAKING RIGHT TURN
C OTHER THAN DRIVER*	TYPE OF COLLISION				E SCHOOL BUS RELATED				E MAKING LEFT TURN
D UNKNOWN*	A HEAD - ON				F 75 FT MOTORTRUCK COMBO				F MAKING U TURN
	B SIDE SWIPE				G 32 FT TRAILER COMBO				G BACKING
	C REAR END				H				H SLOWING / STOPPING
	D BROADSIDE				I				I PASSING OTHER VEHICLE
WEATHER (MARK 1 TO 2 ITEMS)	E HIT OBJECT				J				J CHANGING LANES
X A CLEAR	F OVERTURNED				K				K PARKING MANEUVER
B CLOUDY	G VEHICLE / PEDESTRIAN				L				L ENTERING TRAFFIC
C RAINING	H OTHER*:				M				M OTHER UNSAFE TURNING
D SNOWING	MOTOR VEHICLE INVOLVED WITH				N				N XING INTO OPPOSING LANE
E FOG / VISIBILITY FT.								O	
F OTHER*:	X A NON - COLLISION				P				P MERGING
G WIND	B PEDESTRIAN				Q				Q TRAVELING WRONG WAY
LIGHTING	C OTHER MOTOR VEHICLE				OTHER ASSOCIATED FACTORS (MARK 1 TO 2 ITEMS)				R OTHER*:
A DAYLIGHT	D MOTOR VEHICLE ON OTHER ROADWAY	1	2	3					
B DUSK - DAWN	E PARKED MOTOR VEHICLE				A VC SECTION VIOLATED: CITED <input type="checkbox"/> YES <input type="checkbox"/> NO				
C DARK - STREET LIGHTS	F TRAIN				B VC SECTION VIOLATED: CITED <input type="checkbox"/> YES <input type="checkbox"/> NO				
X D DARK - NO STREET LIGHTS	G BICYCLE				C VC SECTION VIOLATED: CITED <input type="checkbox"/> YES <input type="checkbox"/> NO				
E DARK - STREET LIGHTS NOT FUNCTIONING*	H ANIMAL:				D				
ROADWAY SURFACE	I FIXED OBJECT:				E VISION OBSCUREMENT:				
X A DRY	J OTHER OBJECT:				F INATTENTION*:				
B WET	PEDESTRIAN'S ACTIONS				G STOP & GO TRAFFIC				
C SNOWY - ICY					X A NO PEDESTRIANS INVOLVED				H ENTERING / LEAVING RAMP
D SLIPPERY (MUDDY, OILY, ETC.)	B CROSSING IN CROSSWALK AT INTERSECTION				I PREVIOUS COLLISION				
ROADWAY CONDITION(S) (MARK 1 TO 2 ITEMS)	C CROSSING IN CROSSWALK - NOT AT INTERSECTION				J UNFAMILIAR WITH ROAD				
A HOLES, DEEP RUT*	D CROSSING - NOT IN CROSSWALK				K DEFECTIVE VEH. EQUIP.: CITED <input type="checkbox"/> YES <input type="checkbox"/> NO				
B LOOSE MATERIAL ON ROADWAY*	E IN ROAD - INCLUDES SHOULDER				L UNINVOLVED VEHICLE				
C OBSTRUCTION ON ROADWAY*	F NOT IN ROAD				M OTHER*:				
D CONSTRUCTION - REPAIR ZONE	G APPROACHING / LEAVING SCHOOL BUS				N NONE APPARENT				
E REDUCED ROADWAY WIDTH					O RUNAWAY VEHICLE				
F FLOODED*									
G OTHER*:									
X H NO UNUSUAL CONDITIONS									

SKETCH

SEE ATTACHED

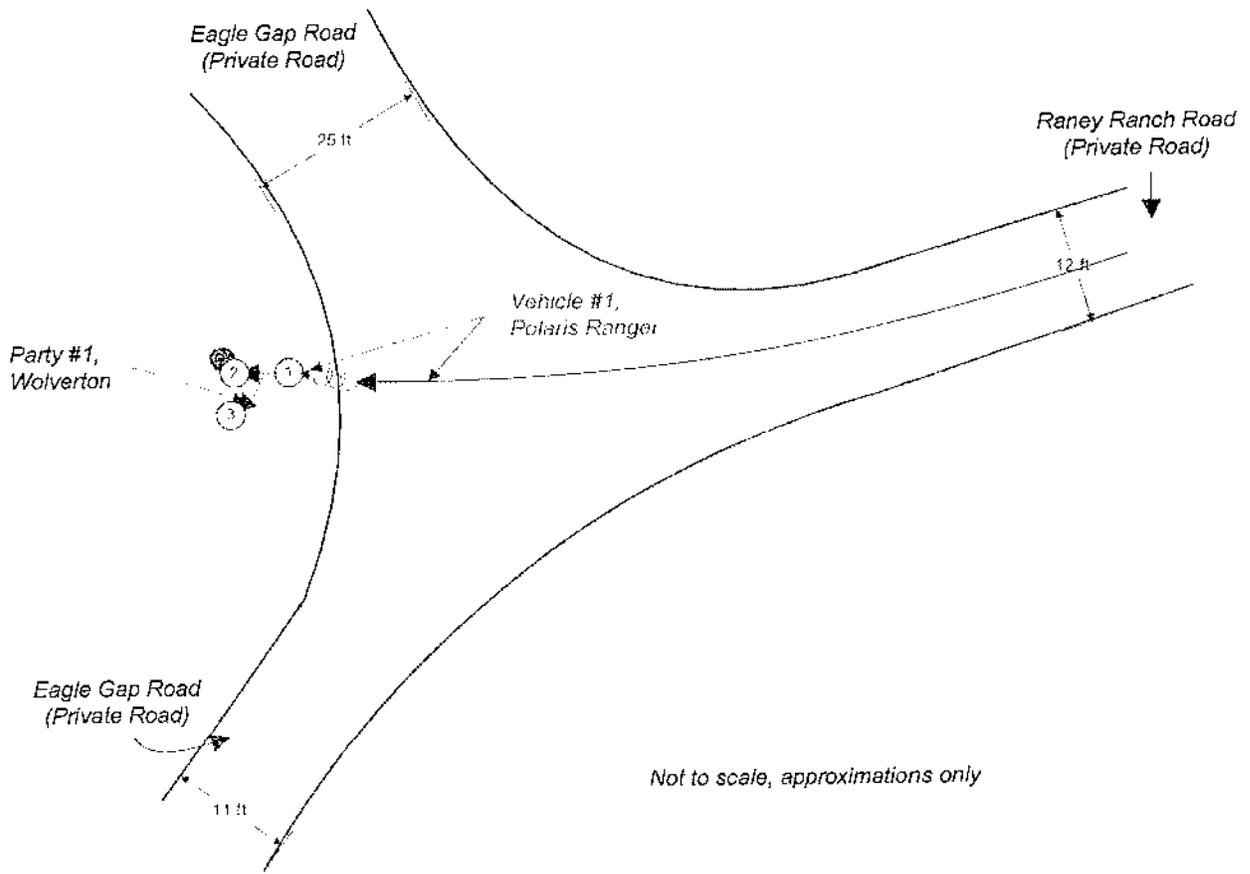


INDICATE NORTH

MISCELLANEOUS



Sketch



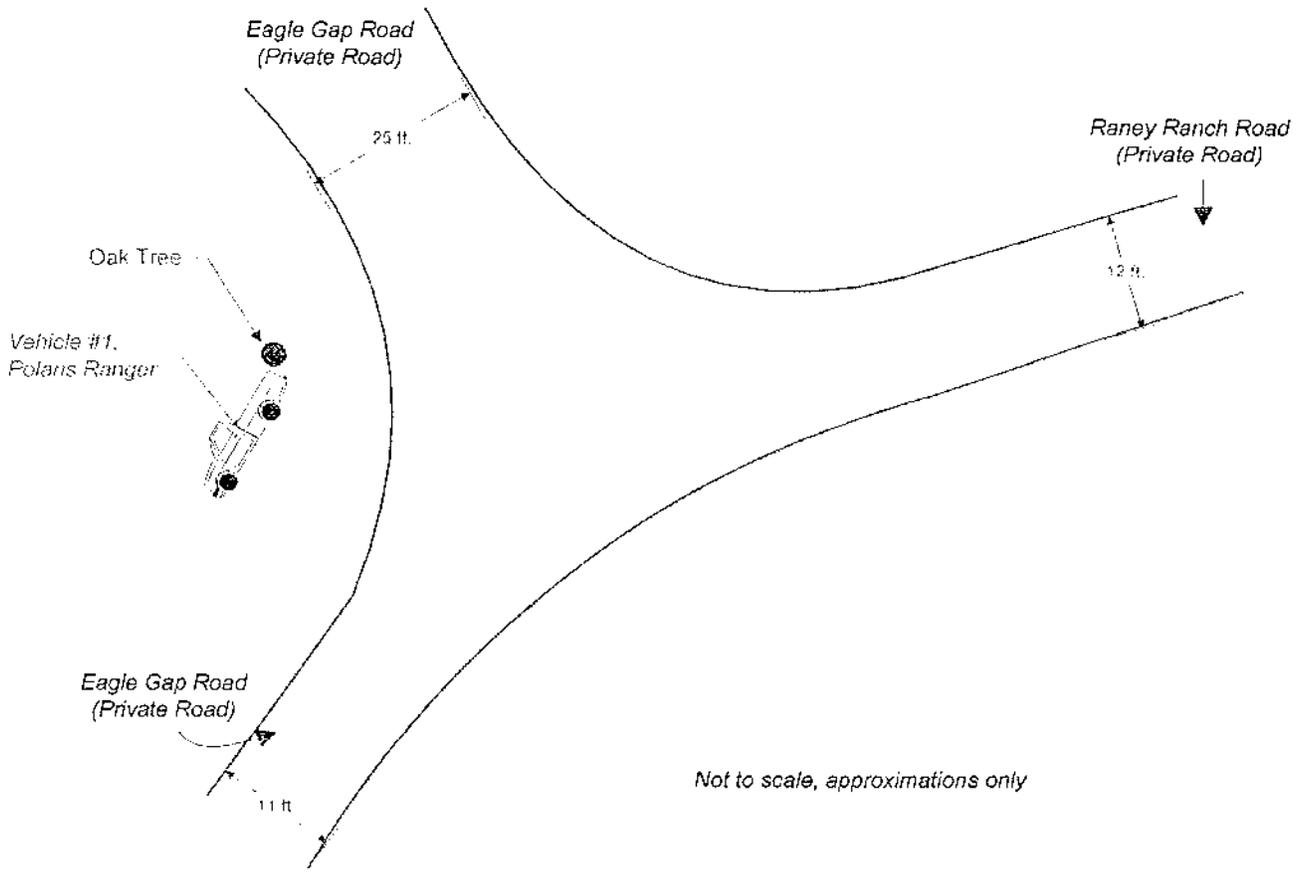
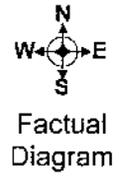
PREPARER'S NAME
D. Stowers

I.D. NUMBER
9569

DATE
04-18-2009

REVIEWER'S NAME

DATE



PREPARER'S NAME
D. Stowers

ID NUMBER
9569

DATE
04-18-2009

REVIEWER'S NAME

DATE

Physical Evidence and Factial Diagram and Legend:

A station line was established at the north roadway edge of Eagle Gap Road. It extended in an easterly direction. A reference point was located at station 0+00, which was located .7 of a mile east of Mesa Grande Road. Measurements increase as you proceed east from station 0+00 and are perpendicular to the station line unless otherwise indicated. Vehicle measurements are to the center of each axle.

Physical Evidence:

<i>LOG</i>	<i>STATION</i>	<i>LOCATION</i>	<i>DESCRIPTION:</i>
1	0+75	35 R	Location of Oak Tree

Vehicle Point of Rest:

0+31	47 R	Right front wheel of Vehicle #1
0+31	69 R	Right rear wheel of Vehicle #1

Party #1 was moved prior to measurements.

PREPARER'S NAME	I.D. NUMBER	DATE	REVIEWER'S NAME	DATE
D. Stowers	9569	04-18-2009		

2
3 *Notification:*
4

5 On April 17, 2009 at approximately 2301 hours, I was advised of an injury collision on Eagle Gap
6 Road involving an All Terrain Vehicle. I responded from Passing Lane and SR78, arriving at the scene at
7 2348 hours. All the times, distances and measurements in this report are approximations with the
8 measurements obtained by roll meter, cloth tape and vehicle odometer.
9

10 The following personnel from Intermountain Volunteer Fire Department responded to the scene to assist
11 with medical care and the extrication of the party.
12

13 Intermountain Rescue 7885	14 Firefighter Pitcher
15 Intermountain Engine 7815	16 Firefighter Walden
	17 Firefighter McDaniel
	18 Firefighter Kennedy
19 Intermountain Battalion Chief	20 Christopherson

21 The following personnel from Julian/Cuyamaca Fire Department, Medic 71, responded to the scene to
22 assist with medical care:
23

24 Paramedic K. Keefer
25 Paramedic S. Sheppard

26
27 The personnel from Cal Fire, Engine 3356, responded to the scene to assist with medical care.
28

29 The following personnel from the El Cajon Office of the California Highway Patrol responded to the
30 scene to assist with the investigation:
31

32 D. Stowers #18672, Vehicle Storage
33
34
35
36
37
38
39
40
41

PREPARER'S NAME	I.D. NUMBER	DATE	REVIEWER'S NAME	DATE
D. Stowers	9569	04-18-2009		

2
3 *Scene Identification:*
4

5 This traffic collision occurred at the intersection of two private roads, Eagle Gap Road and Raney
6 Ranch Road. The collision scene was located in an unincorporated region of eastern San Diego County,
7 known as Lake Henshaw.
8

9 *Roadway Description:*
10

11 Eagle Gap Road is an east-west, private dirt roadway. At the collision scene, Eagle Gap makes a
12 left turn and continues up hill. The collision occurred off the north side of the roadway. The roadway is
13 composed of dirt and has several curves and a descending grade as it extends to the east. The roadway is
14 bordered on the north side by an ascending dirt/shrub embankment which changes to a descending
15 embankment leading to a dry stream bed. To the south, the roadway is bordered by an ascending
16 dirt/shrub embankment.
17

18 Raney Ranch Road runs off to northeast from the intersection and is a private dirt roadway. The
19 roadway is composed of dirt and has a descending grade as it extends to the west. The roadway is
20 bordered to the north by an ascending dirt/shrub embankment and to the south by a descending dirt/shrub
21 embankment.
22

23 *Traffic Controls:*
24

25 There were no traffic controls for this roadway. The weather was clear and dry and had no affect
26 on the collision scene. The collision occurred during the hours of darkness and there was no overhead
27 lighting. There were no visibility obstructions along Eagle Gap Road in the vicinity of the collision
28 scene.
29

30 *Parties:*
31

32 *Party #1,* (b)(3):CPSA Section 25
33 (c)

34 Party #1 was located at the bottom of the embankment on the northwest corner of the intersection.
35 He was identified by an Oregon Driver's License and by the witness.
36

37 (b)(6) was the driver of Vehicle #1, Polaris Ranger, at the time of this traffic collision.
38 This was established by the following:
39

- 40
- Location of (b)(6) when he was discovered
 - Injuries sustained
- 41

PREPARER'S NAME
D. Stowers

I.D. NUMBER
9569

DATE
04-18-2009

REVIEWER'S NAME

DATE

2
3 The vehicle was equipped with a lap restraint system. The restraint system was still in place and
4 had no wear signs. This is an indication that the lap restraint was not being used at the time of this
5 collision.

6
7 ***Vehicle #1, 2004 Polaris Ranger***

8
9 Vehicle #1 was located on right side at the bottom of the embankment. The vehicle sustained
10 moderate damage to the entire vehicle. There were no attributable mechanical defects noted.

11
12 **Physical Evidence:**

13
14 *Tire Friction Marks:*

15
16 There was no tire dirt marks that could be attributed to Vehicle #1 located at the scene.

17
18 *Other Physical Evidence:*

19
20 There was a half circle located on the tree down the dirt embankment on the northwest side of the
21 roadway. The mark was approximately 3 ft. up from the ground.

22
23 There was Oak Tree debris located in the right front rim of Vehicle #1

24
25 **Property Damage:**

26
27 There was no property damage as the result of this traffic collision.

28
29 **Statements:**

30
31 All statements taken at the scene by Officer Stowers and are paraphrased unless otherwise indicated.

32
33 Witness (b)(6) related that (b)(3):CPSA S had started working for him approximately 3 to 4
34 weeks ago. He had a trailer up on his property. He had just gotten a new cell phone early in the day but
35 the only reception area was up at the intersection of Eagle Gap Road and Mesa Grande Road. (b)(6) had
36 left for dinner at the Santa Ysabel Casino at about 8:00 P.M. with some friends and (b)(3):CPSA Se was
37 doing some stuff in the barn. When he came home around 10:00 P.M., he noticed some lights down at the
38 bottom of the ravine and then noticed that it was his Polaris. He went down to the vehicle and found the
39 vehicle onto of (b)(6). He pulled the vehicle off with the wench and started first aid with the other couple
40 going up to the house to call for help. He further stated that the Polaris was not supposed to leave the
41 ranch and that (b)(3):CPSA S had no problems driving the vehicle.

PREPARER'S NAME
D. Stowers

I.D. NUMBER
9569

DATE
04-18-2009

REVIEWER'S NAME

DATE

2
3 *Summary:*
4

5 **Party #1, (b)(3):CPS**, was coming down Raney Ranch Road possibly going to the intersection of
6 Mesa Grande Road and Eagle Gap to call his wife in Oregon. He failed to make the left turn to go up
7 Eagle Gap Road striking the dirt berm on the north side of the road. This caused the vehicle to overturn
8 ejecting **(b)(3):CPSA S** who was not wearing the safety restraint. The vehicle overturned striking the oak
9 tree then landed on top of **(b)(3):CPSA Se** who had landed to the left of the tree.

10
11 **Area of Impact:**
12

13 The first area of impact, Vehicle #1 overturning, was 87 ft. east of Point 0+00 and 7 ft. north of
14 the north road edge of Eagle Gap Road.

15
16 The second area of impact, Vehicle #1 striking the oak tree, was 75 ft. east of Point 0+00 and 35
17 ft. north of the north road edge of Eagle Gap Road.

18
19 The third area of impact, Party #1 being ejected, was 62 ft. east of Point 0+00 and 39 ft. north of
20 the north road edge of Eagle Gap Road.
21 (Point 0+00 is .7 of a mile east of Mesa Grande Road.)
22

23 **Cause:**
24

25 This collision was the result of **Party #1, (b)(3):CPSA Secti** failing to safely negotiate a left curve in
26 the roadway.
27

28 **Recommendations:**
29

30 None.

PREPARER'S NAME	I.D. NUMBER	DATE	REVIEWER'S NAME	DATE
D. Stowers	9569	04-18-2009		

AUTOPSY REPORT

Name: (b)(3):CPSA Section 25(c) **ME#:** 09-0780
Place of death: Eagle Gap, East of Mesa Grande Road **Age:** 31 Years
Santa Ysabel, CA 92070 **Sex:** Male
Date of death: April 17, 2009; 2312 Hours
Date of autopsy: April 19, 2009; 1111 Hours

CAUSE OF DEATH: BLUNT FORCE TRAUMA OF TORSO

MANNER OF DEATH: ACCIDENT

AUTOPSY SUMMARY:

- I. Blunt force trauma of torso.
 - A. Abrasions and compression marks of right chest, abdomen, and flank.
 - B. Soft tissue and muscular hemorrhage.
 - C. Fractures of sternum and left ribs and extensive right rib fractures.
 - D. Pulmonary contusions.
 - E. Scant right hemothorax.

- II. Blunt impact injuries of head.
 - A. Lacerations, abrasions, and contusions of face.
 - B. Left subgaleal hemorrhage.
 - C. Contusion of left side of tongue.

- III. Abrasions and contusions of extremities.

- IV. Status post tissue procurement.

known special request at the time of this investigation.

Identification:

Identified: (b)(6) at the scene from his Oregon Driver License 5680024. Steve Rainy visually confirmed identification at the scene.

Tissue Donation:

Dr. Bethann Schaber, DME, authorized the procurement of upper and lower extremity bone and skin for donation.

Public Administrator:

Not applicable.

Other Important Factors:

Not applicable.

Signed: Jerry A. Simmons
Jerry A. Simmons
Medical Examiner Investigator

Date Signed: 6/24/2014

Approved by: Hester La Hary

Antemortem Events:

In a personal interview with CHP-El Cajon Officer D. Stowers (ID 09569) at the scene at 0101 hours 04-18-09 the following was learned. At 2226 hours 04-17-09 Cal-Fire Dispatchers received a 9-1-1 in which the caller reported a rolled over all-terrain-vehicle (ATV) on Eagle Gap about 7/10ths of a mile east of Mesa Grande Road. The caller reported finding the driver pinned under the ATV with bystander CPR in progress. Cal-Fire dispatched Intermountain Fire/Rescue Engine #7885 and Rescue #7815 to the scene. Firefighters and paramedics arrived on scene in about 15-minutes and Paramedic Karen Kiofer (ID P2092) encountered (b)(6) with bystander CPR in progress. Kiofer evaluated Wolverton and reported her impression via radio to Dr. Daly of Palomar Medical Center. It was determined that due to the already prolonged resuscitation effort there was no hope for recovery. Dr. Daly pronounced death via radio at 2312 hours 04-17-09. Firefighters secured the scene and CHP Officers responded.

Off Stowers interviewed (b)(3):CPSA Section's employer at the Rainy's dog training facility and learned the following. (b)(7) and his wife had spoken in person, at their home, with (b)(6) at about 2000 hours 04-17-09. The (b)(7) then departed their training facility and had dinner at a local casino. On their return trip home they found (b)(6) pinned under the ATV at the bottom of a ravine at about 2225 hours 04-17-09. (b)(6) stayed at the scene and his wife drove to their facility and called 9-1-1. A client of (b)(6) returned to the scene and assisted (b)(7) with extricating (b)(6) from under the ATV and initiated bystander CPR until relieved by firefighters and paramedics.

Past Medical, Surgical, and Social History:

In a telephonic interview with (b)(6) at about 1830 hours 04-18-09 it was learned the decedent's past medical history was unremarkable.

Scene Description:

I viewed the scene at about 0101 hours 04-18-09 in the presence of CHP Officer Dean Stowers (ID 09569) and CHP Off Derrick Stowers (ID 18672). The scene was identified as Eagle Gap 7/10ths of a mile east of Mesa Grande Road in the Mesa Grande area of rural San Diego County. Eagle Gap was a private dirt road, which was about 12-feet wide and was oriented in a generally east-west direction. The location of the accident was at the intersection of an unnamed private driveway. Both roads had multiple curves and hills. Eagle Gap has a hard turn to the south and the east-west driveway intersects at the curve. It appeared Wolverton was driving Rainy's 2004 Polaris Ranger ATV westbound on the driveway and entered onto Eagle Gap at an unknown rate of speed. The ATV went off of the south edge of Eagle Gap where it became airborne and struck a tree. The ATV then came to rest at the bottom of a ravine and according to Rainy, on top of Wolverton.

The unregistered Polaris Ranger ATV had scrapes and paint damage consistent with a probable roll-over. There was minor right front corner impact damage, which was consistent with damage to the tree it had struck.

Body Description:

The decedent was viewed while lying supine in a plastic Stokes rescue basket on the dirt roadway. The decedent was clothed in a shirt, trousers and athletic shoes. There was obvious facial trauma with contusions and abrasions to the chest. There was an oral airway in the mouth and self-adhesive EKG pads affixed to the body. The flaccid body was cool to the touch with forming dorsal lividity.

CALL INFO	NAME OF DECEASED (LAST, FIRST, MIDDLE) (b)(3):CPSA Section 25(c)		AKA	MOB	CASE NUMBER 09-00780
	INVESTIGATOR Jerry A. Simmons	REPORTED BY CHP Dispatch	REPORTING AGENCY CHP - Oceanside		PRECEDENCE WAIVE #
	CALL DATE AND TIME 04/17/2009 2329	ARRIVAL DATE AND TIME 04/18/2009 0101	RETURN DATE AND TIME 04/18/2009 0540		
DECEDENT	DATE AND TIME OF DEATH 04/17/2009 2312	DATE OF BIRTH 10/03/1977	AGE 31 Years	GENDER Male	RACE White
	RESIDENCE (STREET, CITY, STATE, ZIP) (b)(6)			COUNTY Linn	LAST SEEN ALIVE 4/17/09 2000
	SOCIAL SECURITY NO.	CITIZENSHIP USA	OCCUPATION Canine Trainer	PAID AUTOPSY <input type="checkbox"/>	
DEATH	LOCATION OF DEATH Dirt road		TYPE OF PLACE Other		
	ADDRESS (STREET, CITY, STATE, ZIP) Eagle Gap, E. of Mesa Grande Road Santa Ysabel, CA 92070				
	SUMMARY (b)(3):CPS was a married 35 year-old man who resided with his wife and child in Albany, OR. He was training hunting dogs at a facility in the Mesa Grande area of rural San Diego County. On the night of April 17, 2009, he was the driver and sole occupant of a Polaris Ranger all-terrain-vehicle. For unknown reasons, he lost control of the vehicle, went down an embankment and was ejected. Paramedics were unable to resuscitate him successfully and death was pronounced at the scene. Medical Examiner's jurisdiction invoked according to the California Government Code 27491: Deaths due to known or suspected as resulting in whole or in part from or related to accident or injury, either old or recent				
INCIDENT	LOCATION OF INCIDENT Dirt road		INCIDENT PLACE TYPE AT SCENE <input type="checkbox"/> AT RESIDENCE <input type="checkbox"/>		
	ADDRESS (STREET, CITY, STATE, ZIP) Eagle Gap, E. of Mesa Grande Road Santa Ysabel, CA 92070 San Diego				
	DATE AND TIME OF INCIDENT 04/17/2009 2210	INVESTIGATING AGENCY CHP - El Cajon	OFFICER Ofc. D. Stowers	BADGE # 09569	REPORT # Inc 1225
NOTIFICATION	DECEASED WAS Belief: <input type="checkbox"/> Unk <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	HELMETED <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	POSITION Driver	ON PRIVATE PROPERTY <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
	VEHICLE 2004 Polaris Ranger		LICENSE NUMBER STATE		
	IDENTIFIED BY (b)(6)	METHOD Photograph	DATE AND TIME 04/18/2009 0110		
FUNERAL HOME Azlan Mortuary Service		PROPERTY <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	PUBLIC ADMINISTRATOR <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	TYPE OF EXAM Autopsy	
NAME OF NEXT OF KIN (b)(6)		RELATIONSHIP Wife	DATE NOTIFIED Pending		NOTIFIED BY
NAME OF NEXT OF KIN (b)(6)		RELATIONSHIP Parents	DATE NOTIFIED 4/17/2009 3:20:00 AM	NOTIFIED BY Deputy Michael, Bento	

TOXICOLOGY REPORT

Name: (b)(6)
Medical Examiner Number: 09-00780
Date of Death: 04/17/2009
Pathologist: Jonathan R. Lucas, M.D. IAS
Specimens Received: Central Blood, Liver, Peripheral Blood, Urine, Vitreous

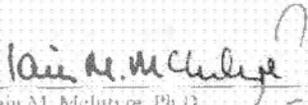
<u>Test Name (Method of Analysis)</u>	<u>Specimen Tested</u>	<u>Result</u>
Alcohol Analysis (GC) Alcohol (Ethanol) Acetone, Methanol, Isopropanol	Peripheral Blood	0.19 % (w/v) Not Detected
Alcohol Analysis (GC) Alcohol (Ethanol) Acetone, Methanol, Isopropanol	Vitreous	0.20 % (w/v) Not Detected
Drugs of Abuse Screen (ELISA) Cocaine metabolites Opiates Amphetamines Benzodiazepines Fentanyl Cannabinoids	Central Blood	Not Detected Not Detected Not Detected Not Detected Not Detected Presumptive Positive

End Report

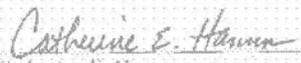
Comment:

A confirmation test for the presumptive positive Cannabinoids result (ELISA) was not performed.

Approved and Signed:
04/24/2009


Iain M. Melnyre, Ph.D.
Forensic Toxicology Laboratory Manager
(All Inquiries Correspondence)

Reviewed:


Catherine E. Hann
Toxicologist III

TOXICOLOGY: The following specimens are submitted for toxicology: central blood, peripheral blood (Lifesharing), vitreous, urine, and liver.

HISTOLOGY: Portions of tissues and major organs are retained in formalin. No sections are submitted for microscopic examination.

PHOTOGRAPHS: A facial identification photograph, overall photographs, and an internal head photograph are taken.

X-RAYS: None

JRL:lcb

D: 4/19/09 T: 4/21/09

Rev. 5/18/09 lcb

BODY CAVITIES: The abdominal fat layer measures up to 5 cm. The organs are in their normal situs. The diaphragm is intact. There is no blood in the peritoneal cavity or left thoracic cavity. There are a few adhesions in the right lower quadrant of the abdomen. There are no adhesions in the thoracic cavities.

CARDIOVASCULAR SYSTEM: The heart weighs 400 grams and has a normal ovoid shape and smooth, glistening, epicardial surface. The coronary arteries pursue a normal right dominant course and are without atherosclerotic stenosis. The myocardium is uniformly dark red and firm without pallor, hemorrhage, softening or fibrosis. The ventricles are not dilated. The left ventricle, right ventricle, and interventricular septum measure 1.3 cm, 0.4 cm, and 1.4 cm in thickness, respectively. The endocardial surfaces and four cardiac valves are unremarkable and without vegetations. The coronary ostia are normally placed and widely patent. There are no interatrial or interventricular septal defects.

The aorta exhibits minimal atherosclerosis. The vertebral and pulmonary arteries are without thrombus or embolus.

RESPIRATORY SYSTEM: The right lung weighs 600 grams and the left weighs 650 grams. Both lungs have smooth, glistening, intact pleural surfaces and congested edematous, subsegmental parenchyma. The right lung has scattered hemorrhagic foci within the parenchyma of the upper and lower lobes, possibly representing contusions. The left lung does not have any hemorrhagic lesions. Neither lung has mass or consolidation. The bronchi are lined by glistening, tan mucosa and are empty.

HEPATOBIILIARY SYSTEM: The liver weighs 1900 grams and has a smooth, glistening, intact capsule and uniformly red-brown parenchyma without masses, hemorrhage, fibrosis, or yellow discoloration. The gallbladder contains a moderate amount of liquid green bile without calculi. The wall is not thickened.

The pancreas has unremarkable, lobulated, red-tan parenchyma without fibrosis, hemorrhage, masses or calcification.

HEMOLYMPHATIC SYSTEM: The spleen weighs 170 grams and has a smooth, glistening, intact capsule and dark maroon parenchyma with unremarkable visible white pulp. There are no enlarged lymph nodes.

GASTROINTESTINAL SYSTEM: The esophagus and gastroesophageal junction are unremarkable. The stomach contains 200 cc of thick, gray tan, masticated food including carrots and possibly meat. No pills or capsules are noted. The gastric and duodenal mucosae are unremarkable. The small and large intestines are unremarkable to

is a 3x8 inch diameter yellow abrasion. On the right lower extremity is a vertically oriented, discontinuous irregular lacer 5-102 inch by up to 1.8 inch, dried yellow abrasion. On the right paraspinal lower back there is an approximately 3 x 2 inch area of spontaneous hemorrhage (corresponds to a blue scribble in photographs taken by a visiting journalist).

There is a complete fracture of the upper arm. There are some fractures of the right 2nd-8th ribs. There are 2 vertically oriented lacerations proximal to fractures of the right 2nd-4th ribs. There are no visible ligamentous lacerations, although there are a few small (up to 1/4 inch) parallel abrasion lacerations. There are paraspinal fractures of the left 2nd-4th ribs.

There is partial renal laceration the right kidney edge.

There are three contusions of the anterior view, lower side of the right knee, measuring up to 3.12 inches. The right knee has sustained hemorrhagic lacer within the distal view of the upper right knee flexion, possibly representing a rupture.

There are approximately 100 of blood in the right toe and cavity.

UPPER EXTREMITIES

On the posterior right torso and medial right upper arm there is a 7 by up to 1.2 inch yellow and red, linear abrasion. Just distal to this, on the medial right elbow, there is a 2.14 x 4 inch, faint, pale contusion.

On the posterior left wrist there is a 1.04 x 1.2 inch group of five abrasions and one yellow abrasion. On the posteromedial distal forearm and wrist there is a vertically oriented 3 x 3/8 inch, red abrasion. On the lateral, distal left forearm there is a faint, linear, 1.61 inch, discontinuous abrasion. On the lateral left elbow there is a 3/4 x 1/4 inch, faint abrasion.

LOWER EXTREMITIES

On the right left knee there is a 3.4 inch, faint, red abrasion.

There are no palpable fractures of the upper extremities. The lower bones of the lower extremities are intact.

extremities, neck, and jaw. Lacerations are absent, red abrasions are present on the forehead, neck, and hand. The body is red (rehydrated).

INJURIES, EXTERNAL AND INTERNAL

HEAD AND NECK

On the lower central forehead there is a 1-3/4 x 3-4 inch, irregular, abrasion laceration. There is a 7/8 inch diameter abrasion just superior to it attached by two linear abrasions. On the left forehead there is a 3/4 x 1/4 inch red abrasion. On the superior bridge of the nose there is a 3/8 inch abrasion laceration. On the anterior and lateral surface of the nose extending onto the left medial cheek there is a combined 2-1/2 x 1-1/4 inch group of vertically oriented abrasions, deepest adjacent to the nose. Just inferior to the left eye and the lower eyelid there is a 1-3/4 x 3/4 inch abrasion with superficial up to 1/2 inch lacerations medially. There is a 5/8 x 1/8 inch abrasion of the inferior upper eyelid. Where the upper eyelid meets the eyebrow there is a 1 x 1-1/8 inch abrasion laceration. On the anterior lower right cheek at a level between the nose and the mouth there is a horizontally oriented, 1-1/2 x 1/4 inch, red abrasion. On the left preauricular skin and involving the left angle of the mandible there is a 1/2 x 1/4 inch vertically oriented red abrasion. Between the left eye and the ear there is a 1/2 inch diameter red abrasion. On the left upper forehead near the midline there is a 1-1/2 x 1/2 inch, faint, red abrasion.

There is lateral scleral hemorrhage of the left eye measuring up to 1 inch. Consistent with the surrounding periorbital hemorrhage. There are no frank orbital petechiae. There are no facial or oral petechiae. There is a 1/2 inch contusion on the inner right lower lip.

The left lateral occipital scalp there is a 3/4 inch diameter intramuscular hemorrhage.

On the left frontotemporal scalp there is a 2-1/2 inch diameter subdural hemorrhage. On the left superior frontal scalp there is a 1 inch diameter galeal hemorrhage. On the lower frontal scalp associated with the laceration there is galeal hemorrhage. There is no skull fracture. There is no epidural or subdural hemorrhage. There is no overtaking of brain injury.

TORSO

Involving the right chest, right side of the abdomen, and the entire right side of the torso there are irregular red and pale areas of compression contusions with some petechial formation of the right upper chest. On the right upper chest within this area are two 1/4 inch diameter red abrasions. There is a 1 x 3/4 inch, dried, yellow abrasion on the medial right chest. On the right upper abdomen/upper flank there is a combined 6 by up to 2-1/2 inch group of abrasions, primarily vertically oriented and containing two broader darker

right ankle bearing the decedent's name and case number.

WITNESSES: There are no outside witnesses

CLOTHING: The body is unclad when initially viewed. A separate bag of clothing accompanies the body and is not examined at this time.

EVIDENCE OF MEDICAL INTERVENTION:

1. There is an obturator airway (bite block) in the mouth.
2. There are electrocardiogram pads on the torso.

STATUS POST TISSUE DONATION: There are coarsely sutured surgical incisions extending from each flank to the feet. The long bones and much of the soft tissues of the lower extremities are absent. There is full-thickness skin procurement from the back.

EXTERNAL DESCRIPTION

The body is of a well-developed, well-nourished, 71 inch, 237 pound Caucasian man whose appearance is consistent with the given age of 31 years

The straight brown scalp hair measures up to 1-1/2 inches. The nose and facial bones are palpably intact. The eyes have blue irides, glistening corneae, and conjunctivae without petechiae or jaundice. The nose is normally formed. The nares are unobstructed. The oral cavity has natural teeth in good repair and an atraumatic mucosa. The ears are normally formed without drainage or creases. The neck is symmetrical and unremarkable.

The torso is unremarkable. The abdomen is slightly rounded and soft. The back is symmetrical and unremarkable, except for the full-thickness skin procurement. The extremities have no amputations, congenital deformities, edema, or needle track marks. The fingernails are trimmed closely and clean and do not extend beyond the tips of the fingers. The toenails are trimmed and clean. The genitalia are of a normal circumcised man. The testes are palpable within the scrotum. The anus is unremarkable.

SCARS: There is a 1-1/2 inch obliquely oriented scar on the anterior right thigh. There are no ventral wrist scars.

TATTOOS: There are nonprofessional-appearing tattoos on the right shoulder depicting a cross and a face. There is an unidentifiable line tattoo on the medial distal right lower leg. On the lateral left shoulder there is a figure holding a gun and kneeling.

family in Albany, Oregon. He was here in San Diego County training hunting dogs at a facility. The evening of April 17, 2009, he was the driver and sole occupant of a Polaris Ranger four-wheel all-terrain vehicle. The owner of the facility found the decedent pinned under the ATV at the bottom of a ravine at 2225 hours. They had last spoken to him at 2000 hours. The owner stayed at the scene and his wife drove to the facility and called 911. They extricated him, and he was declared dead at the scene. The decedent was reportedly not helmeted. It appeared that the decedent was driving the all-terrain vehicle when it went off the south edge of Eagle Gap, where it became airborne and struck a tree. It then came to rest at the bottom of the ravine. He had an unremarkable medical history. The decedent subsequently underwent tissue donation.

The autopsy documented extensive thoracic injuries, primarily on the right side including anterior and posterior rib fractures and pulmonary contusions. This would be consistent with being pinned and partially crushed under the vehicle prohibiting respirations and blood flow. There were lacerations, contusions, and abrasions of the face and extremities, but no significant internal head trauma or internal abdominal trauma.

Toxicological testing detected a blood ethanol concentration of 0.19% and a screen for cannabinoids was positive. No other illicit drugs were detected.

Therefore, based on these findings and the history and circumstances of the death as currently known, the cause of death is certified as **blunt force trauma of torso**, and the manner as **accident**.


JONATHAN R. LUCAS, M.D.
Deputy Medical Examiner

Date signed: 5-18-17



William B. Kolender, Sheriff

William D. Gove, Undersheriff

DATE: 05/15/09

TO: Sandra Vega-Garcia

RE: REQUEST FOR CRIMINAL RECORDS - Accident

The California Public Records Act mandates that government agencies make certain information available for inspection and release to the public. However the act includes many exemptions and exceptions related to the release of criminal information. This includes specific provisions concerning what information may be released, and who is entitled to receive it.

We have received your request for criminal information, but are unable to process it for the reason or reasons listed below:

Other: No report found with the information provided on the request form.

If you have questions concerning your request please contact one of our representatives at (858) 974-2110.

Sincerely,

WILLIAM B. KOLENDER, Sheriff

By: Michelle Gay
Title: Records & ID Clerk II
Sheriff's Records & ID Division

"Keeping the Peace Since 1850"

05/15/2009 10:45AM (GMT-04:00)

NORTH COUNTY — A 35-year-old Oregon man died Friday night in an all-terrain vehicle accident in the Mesa Grande area near Lake Henshaw, the medical examiner's office said Saturday.

(b)(6) lived with his wife and child in Albany, Ore., and was in the rural Mesa Grande area, northeast of Santa Ysabel, to train hunting dogs, according to the medical examiner's office.

About 10 p.m. Friday he was driving a Polaris Ranger all-terrain vehicle when for unknown reasons he lost control of the vehicle and went down an embankment, the medical examiner's office said. Responding medics pronounced him dead at the scene.

Travis 5/11/07
5/12/09
Almond

858-
974-2122
Record
(FAX)

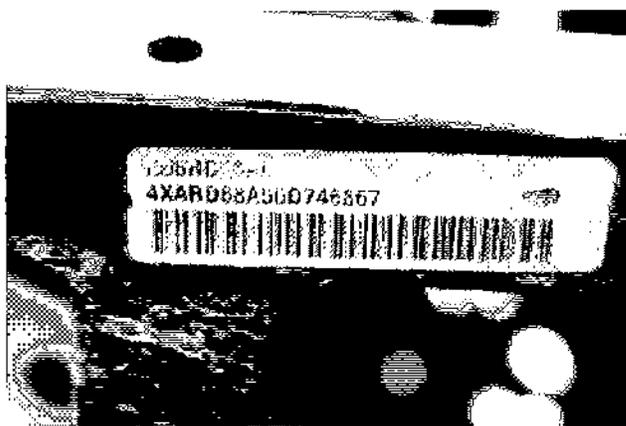


Photo 1

Vin number of above vehicle.

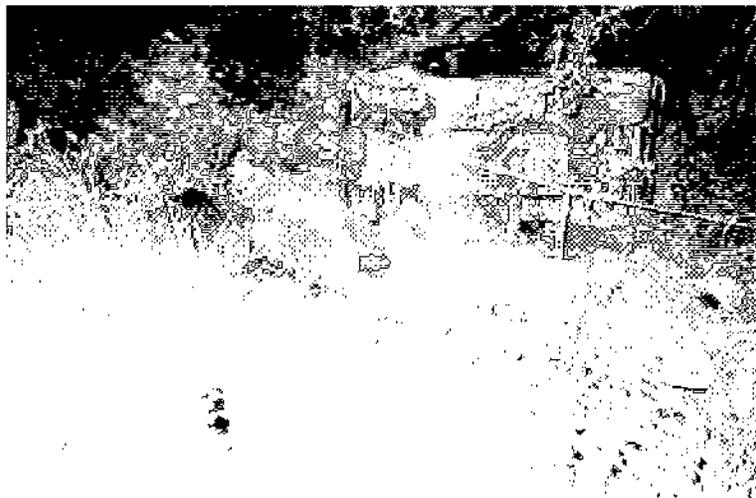


Photo 2

Polaris utility vehicle rolled down side of hill and flipped over. Victim was ejected and suffered head and chest injuries.



Photo 3

Oak tree Vehicle hit before roll over.



Photo 4

Another view of roll over

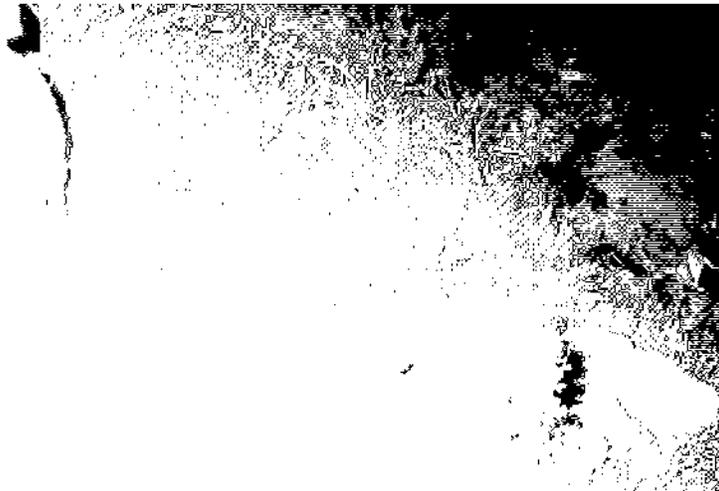


Photo 5

View from road down to where victim is lying.



Photo 6

View from where utility vehicle is to road area.



Photo 7

Oak tree showing where wheel hit tree



Photo 8

Photo of wheel that hit tree above



Photo 9

View of vehicle after it was pulled up from accident site.



Photo 10

View of front of vehicle after incident



Photo 11

View of side passenger side of vehicle.



Photo 12

Close up of wheel and driver's side.

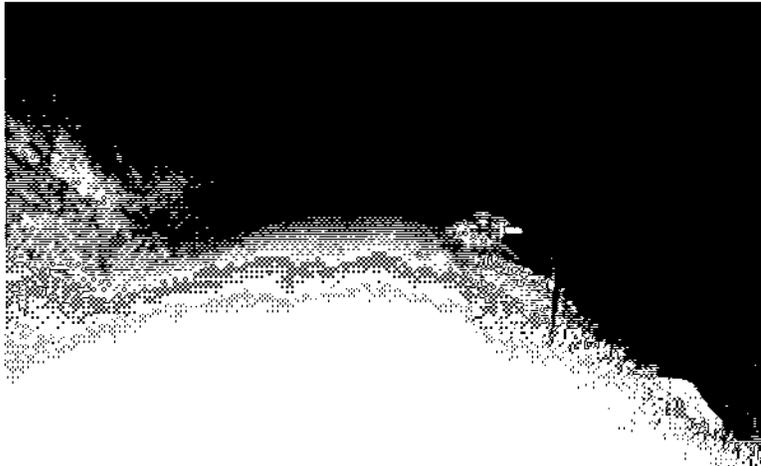


Photo 13

Road driven to get to incident site

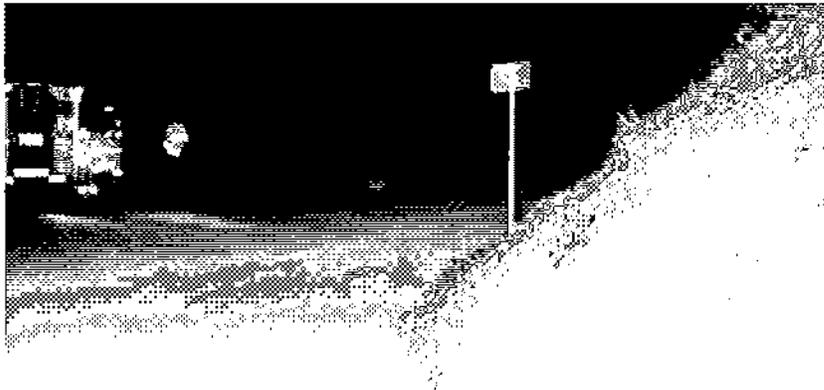


Photo 14

Incident intersection of two roads

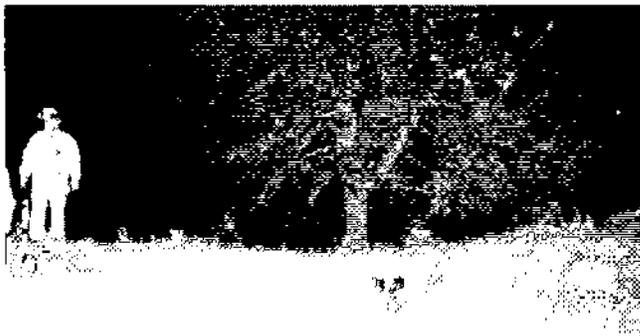


Photo 15

Area where Vehicle went over embankment and tree Oak Tree hit by Polaris Ranger



Photo 16

Area where Polaris went over side.



Photo 17

Photos provided after incident vehicle fixed



Photo 18

View of side of vehicle



Photo 18

Rear view of vehicle

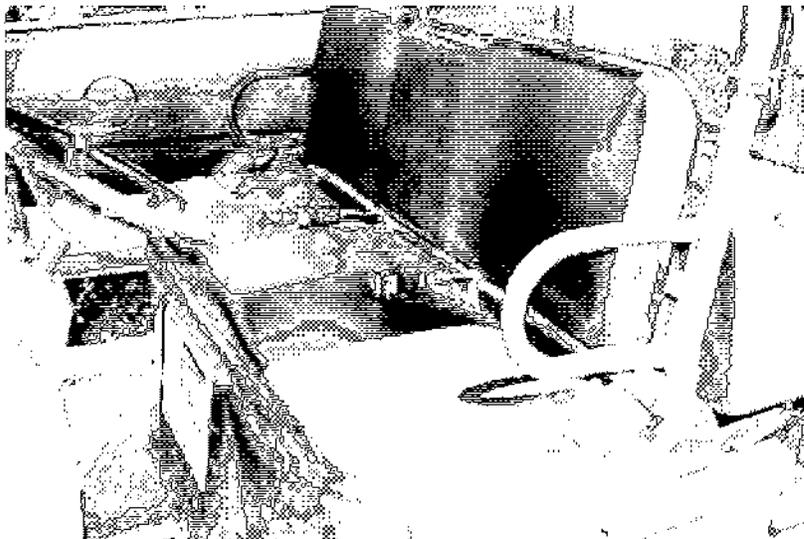


Photo 19

Driver side of seat area and view of driving wheel

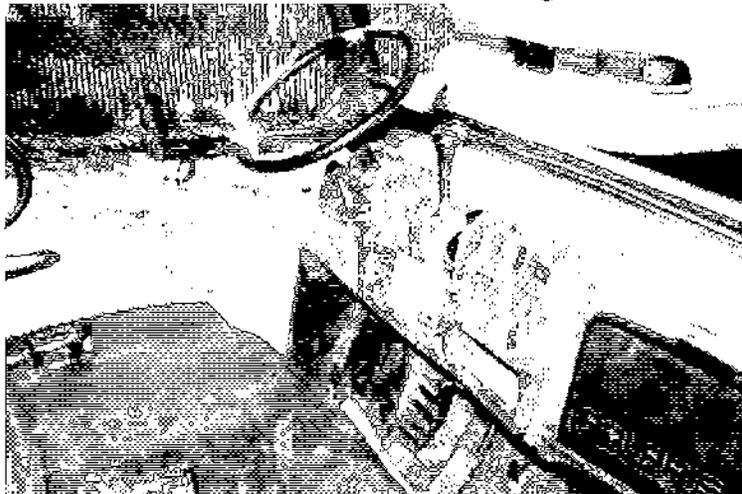


Photo 20

Another view of above area from passenger's side.

CA

RAMONA: Oregon man dies in ATV accident near Lake Henshaw

By North County Times | Saturday, April 18, 2009 10:08 PM PDT =

NORTH COUNTY ---- A 35-year-old Oregon man died Friday night in an all-terrain vehicle accident in the Mesa Grande area near Lake Henshaw, the medical examiner's office said Saturday.

(b)(6) lived with his wife and child in Albany, Ore., and was in the rural Mesa Grande area, northeast of Santa Ysabel, to train hunting dogs, according to the medical examiner's office.

About 10 p.m. Friday he was driving a Polaris Ranger all-terrain vehicle when for unknown reasons he lost control of the vehicle and went down an embankment, the medical examiner's office said. Responding medics pronounced him dead at the scene.

1. Task Number 090507CCC2609		2. Investigator's ID 2251		EPIDEMIOLOGIC INVESTIGATION REPORT
3. Office Code 840	4. Date of Accident YR MO DAY 2009 03 20	5. Date Initiated YR MO DAY 2009 05 11		
6. Synopsis of Accident or Complaint UPC A 41-year-old male victim lost control of the utility vehicle (UTV) he was driving in a flat terrain farmer's field. His son was riding in the front passenger seat wearing a seat belt while his daughter was sitting in the cargo bed. The victim was not wearing a seat belt and none of the occupants were wearing helmets. The driver was accelerating while making a left turn and failed to maintain control. The vehicle overturned. The driver and cargo passenger were totally ejected. The driver was injured and air lifted to a local hospital. The passengers were not injured.				
MFR/PRVLR NOTIFIED <i>3/24/10</i> COMMENTS: <u> </u> YES <u> </u> NO <u> </u> OVERRULED; <u> </u> ATTACHED <input checked="" type="checkbox"/> EXCISIONS/FOIA EXS. <u>325, 6</u> <input checked="" type="checkbox"/> DO NOT RE-NOTIFY <u> </u> RE-NOTIFY				
7. Location (Home, School, etc) 2 - FARM		8. City WINFIELD		9. State MO
10A. First Product 5044 - Utility Vehicles		10B. Trade/Brand Name YAMAHA		10C. Model Number RHINO
10D. Manufacturer Name and Address YAMAHA MOTOR CORPORATION, USA 6555 Katella Avenue Cypress, CA 90630				
11A. Second Product 0		11B. Trade/Brand Name NONE		11C. Model Number NONE
11D. Manufacturer Name and Address NONE				
12. Age of Victim 41	13. Sex 1 - Male	14. Disposition 4 - Hospitalized	15. Injury Diagnosis 59 - Laceration	
16. Body Part(s) Involved 75 - HEAD	17. Respondent 3 - 2nd Hand Info Only	18. Type of Investigation 1 - On-Site	19. Time Spent (Operational / Travel) 17 / 5	
20. Attachment(s) 9 - Multiple Attachments		21. Case Source 05 - Newspaper		22. Sample Collection Number
23. Permission to Disclose Name (Non NEISS Cases Only) <input type="radio"/> Yes <input type="radio"/> No <input type="radio"/> Verbal <input checked="" type="radio"/> Yes for Manuf. Only				
24. Review Date 06/04/2009	25. Reviewed By 8929		26. Regional Office Director Frank J. Nava	
27. Distribution Topka, Tanya			28. Source Document Number U0944791A	

This investigation originated from an April 15, 2009, Lincoln County MO news article. The victim/driver in this tip-over incident is a 41 year old male, height approximately 5'10" and weight approximately 170 pounds. The product in this incident is a 2008 Utility Vehicle (UTV). Information for this report was obtained through interviews with the driver/victim and owner of the UTV that took place on June 1, 2009, at their family's residence. Additional information was obtained from the responding highway patrol's official report and by talking to a witness to the accident at the vacant field.

On May 20, 2009, this investigator went to the home of the owner of the UTV involved in this incident located in Winfield, MO. No one was home at the residence and a business card was left with a message to contact this investigator concerning the incident with his UTV.

On May 21, 2009, this investigator contacted the victim's wife by telephone and requested to speak to her husband concerning the UTV incident. She stated that after her husband returned home from the hospital, he was having short memory loss due to the accident and grew tired easily. She said that she would contact this investigator when she felt her husband was feeling better. She also stated that the owner of the UTV is her next door neighbor and that she and her husband are considering bringing a civil action against him due to this accident.

On May 21, 2009, this investigator contacted a witness by telephone who stated that he was standing in the vacant field when he saw the UTV drive into it. According to the witness, he observed the driver of the UTV trying to do doughnuts in the field and seemed to accelerate too hard and tipped over the vehicle. He said the driver and cargo passenger were ejected while the passenger in the front seat was held suspended in his seat by his seatbelt. This statement was also taken by the highway patrol and is included in their report. The highway patrol report is included as Exhibit E.

This investigator contacted the owner of the UTV by telephone and arranged for an on-site visit. On June 1, 2009, this investigator visited the owner at his residence in Winfield, MO and examined the UTV as it sat in his driveway.

Photographs were taken of the UTV during the on-site visit and can be found in Exhibit A. The UTV's Owner Manual was provided. Due to the extensive length of the owner's manual, copies of the pertinent pages are included in this report as Exhibit B. The hard copy of the owner's manual was mailed to the Compliance Officer.

The owner stated he purchased the 2009 UTV new from a local retailer in September 2008. He stated that he uses the UTV to drive behind his house in a vacant field and to pull his drag boat into and out of the water. He said that during the summer months he uses the UTV two or three times a week for no more than an hour at a time.

According to the owner, he did not make any repairs or modifications to the UTV; with the exception of adding a trailer hitch.

The owner said he did not experience any problems with his utility vehicle and was very happy with it and this tip-over accident was the first incident that it was involved in.

Around March 2009 and again in May 2009 the owner was notified of a recall/repair program covering his model UTV. The firm was advising consumers to have their

vehicles brought into a shop so modifications could be made in order to improve the vehicles stability. The owner of the UTV said that he was aware of the recall/repair program for his UTV but didn't believe that he needed it and did not have it done. A copy of the notification is attached to this report as Exhibit C.

The owner stated that on or about March 20, 2009, he had his UTV parked in his driveway and he was sitting on his front porch talking to a friend when the victim came over to his house with his two children and got into his UTV. The victim drove the UTV to the vacant field behind the owner's and victim's homes. According to the owner, the victim did not ask his permission to use the UTV. The owner stated that he had allowed the victim to drive his UTV on a couple of occasions but did not give his permission for him to use it the day of the incident.

According to the owner he believes the victim was careless with the UTV and may have been doing maneuvers with it that he should not have been doing when the accident occurred.

As this investigator was concluding his on-site visit with the owner, he observed the victim and his wife arrive at their home. This investigator contacted the victim's wife who stated she believed her husband could talk to this investigator at this time but he might not remember too much about the accident due to his short term memory loss.

On June 1, 2009, this investigator visited the victim at his home in Winfield, MO. According to the victim on March 20, 2009, at approximately 6:30pm he came home from a fishing trip with his children when he saw his neighbors UTV parked in his driveway. He decided to take his children for a ride in the UTV in the vacant field behind his house. The victim stated that has used his neighbor's UTV on other occasions and had his neighbor's permission to use the UTV this time. On the other occasions, approximately once a week in the summer months, when he used the UTV he had driven it on the neighborhood streets and in the vacant field. On the occasions he used the UTV, he would use it for no longer than ½ hour.

The victim stated he did not have any formal driver orientation classes for the UTV but had driven an ATV for many years.

He said that he put his seven year old son in the passenger seat and seat belted him in. His nine year old daughter got into the cargo area that was not equipped with seat belts and he was in the driver's seat without a seat belt. He also said none of them were wearing helmets.

The victim described the vacant lot as flat terrain with a small hill in the center of it. He said they had just been driving in the field for approximately five minutes when the incident occurred. He stated, he went up the side of the small hill and then back down again, when he thinks he made a turn. He is unable to recall if he made a left turn or right turn. According to the highway patrol report the victim was attempting to make a left turn when the vehicle tipped over ejecting the victim and his daughter. His son, the right front passenger was not ejected from the vehicle but was held suspended by his seatbelt.

The victim stated that he estimates he was travelling no more than five miles per hour and that it was probably closer to two to three miles per hour.

The victim believes that as he was ejected from the UTV, he was struck by the vehicles roll bar. He described his injuries as a large knot on the back of his head, a cut over his nose and eye requiring six or seven stitches, his right shoulder and left knee had contusions. He was air lifted to a St. Louis, MO hospital from the scene, where he was treated for his injuries and remained for four days recovering. The passengers were not injured and did not require any medical attention.

This investigator had requested the victim's medical records from the hospital where the victim was treated for his injuries but at the time of this report they had not been received. See Exhibit D for a copy of the Status of Missing Document Form and the victim's Medical Records Disclosure Form.

PRODUCT INFORMATION:

This utility vehicle was identified as a 2009 Yamaha Rhino, model 700, manufactured by Yamaha Motor Corporation, 6555 Katella Ave. Cypress, CA 90630, (714) 761-7300. The vehicle was purchased by the owner in September 2008, from St. Charles Motorsports, 3830 West Clay St., St. Charles, MO, 63301, www.bigstcharlesmotorsports.com.

The vehicle is a side-by-side utility vehicle, green in color. The UTV's vehicle identification number (VIN) is 5YaAM18Y89A004871.

ATTACHMENTS:

Exhibit A - Photographs

Exhibit B - Copy of pertinent pages from UTV Owner's Manual

Exhibit C - Copy of Recall/Repair Program notification to owner of UTV

Exhibit D - Status of Missing Document Form with attached Authorization for Medical Records Disclosure Form

Exhibit E - Copy of Missouri State Highway Patrol Accident Report

Exhibit F - Authorization for Release of Name Form (Victim)

Exhibit G - Authorization for Release of Name Form (Owner of UTV)

Exhibit H - Data Record Sheet for Utility Vehicle

Exhibit I - Contact Information

ADDENDUM:

Exhibit J -- Medical Records - added 8/05/09 (rem)

Exhibit A – 1 below shows the vacant field where the accident occurred.



Exhibit A – 2 below shows the small hill that the victim drove off of.



Exhibit A – 3 below shows an overview of the UTV as it was setting in the owner's driveway.



Exhibit A – 4 below shows a view of the UTV from the rear.



Exhibit A – 5 below shows a side view of the UTV.



Exhibit A – 6 below shows another view of the UTV.



Exhibit A – 7 below shows a view of the UTV with its cargo bay and hood open.



Exhibit A – 8 below shows a warning label found on the dash board of the UTV.

A WARNING

To reduce risk of accidents and injury or death:

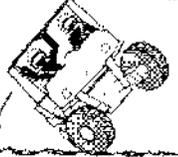
Be Prepared

- Wear seat belt, motorcycle helmet, eye protection and protective gear.
- Keep your body completely inside the vehicle at all times. Keep both hands on the steering wheel. Be sure passenger is seated, belted, and holding onto the handholds.



Avoid Rollovers and Crushing Injuries

- Use care when turning:
 - Turning the steering wheel too far or too fast can result in a rollover or loss of control.
 - Slow down before entering a turn.
 - When making tight turns from a stop or at slow speeds, avoid sudden or hard acceleration.
 - Avoid sideways sliding, skidding, or fishtailing, and never do donuts.
- Drive straight up and down inclines, not across them. If crossing a hill is unavoidable, drive slowly and turn downhill immediately if you feel the vehicle may tip.
- Avoid paved surfaces. Turn gradually and go slowly if you must drive on pavement. This vehicle is designed for off-road use only.



Abrupt maneuvers or aggressive driving have caused rollovers - even on flat, open areas.

Be Qualified and Responsible

- This vehicle is intended for use only by an operator 16 or older with a valid motor vehicle license.
- Passenger and driver must be able to place both feet flat on the floorboard while seated upright with their backs against the seat backs.
- Do not drive or ride as passenger after using drugs or alcohol.
- Do not operate on public roads.



Genuine Yamaha Doors and a Handhold/Strap are available for free installation or replacement. Yamaha recommends these features to help keep occupants from sticking arms or legs out of the vehicle during a rollover.

If you think or feel the Rhino may tip or roll:

- Brace yourself by pressing your feet firmly on the floorboards and keep a firm grip on the steering wheel or handholds.
- Do not put your hands or feet outside of the vehicle for any reason.

Read the Owner's Manual

Contact your dealer or visit www.yamaha-motor.com/rhino

584-F1568-01

Exhibit A – 9 below shows a safety label attached to the dash board.



Exhibit A – 10 below shows a warning label attached to the driver side rollbar.



Exhibit A – 11 below is a warning label attached to the rear roll bar behind the driver.

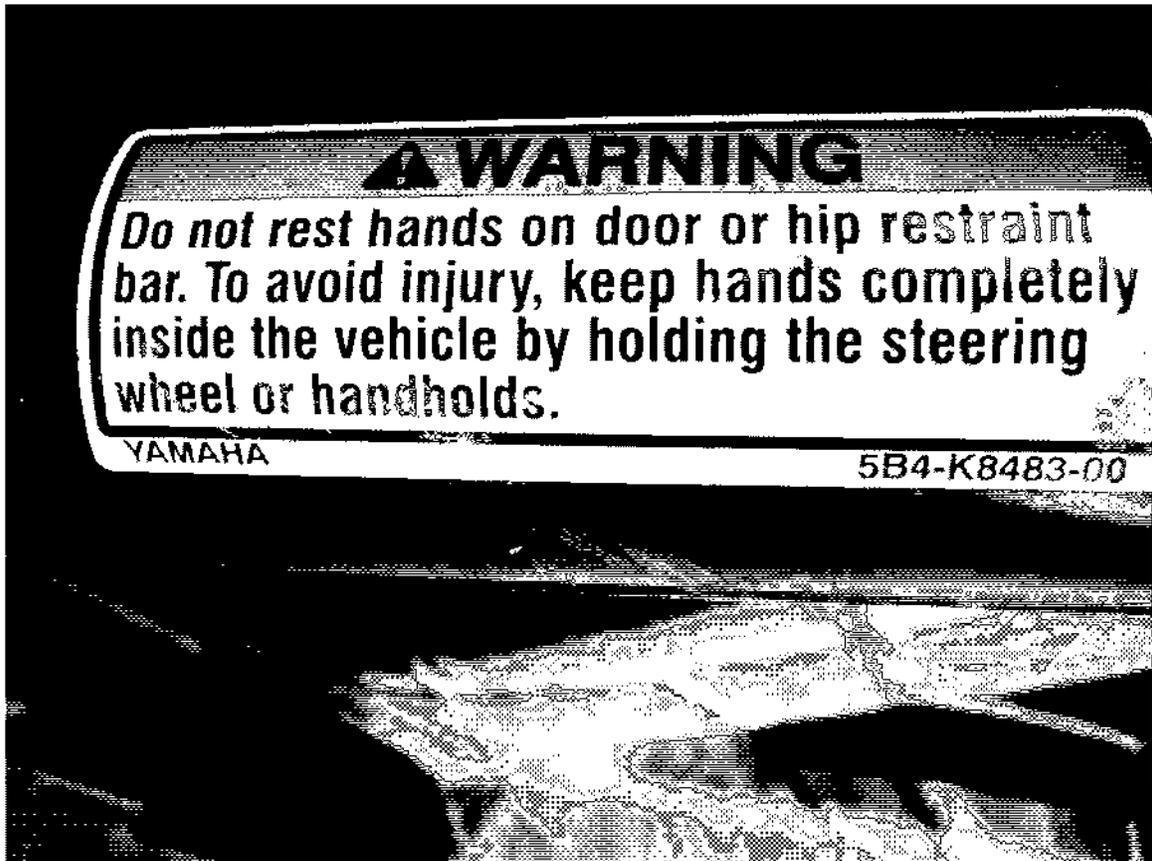


Exhibit A – 12 below is a warning label attached to the cargo bed.



Exhibit A – 13 below is a decal for the four wheel drive attached to the side of the UTV.



Exhibit A – 14 below is a warning label found below the cargo bed.

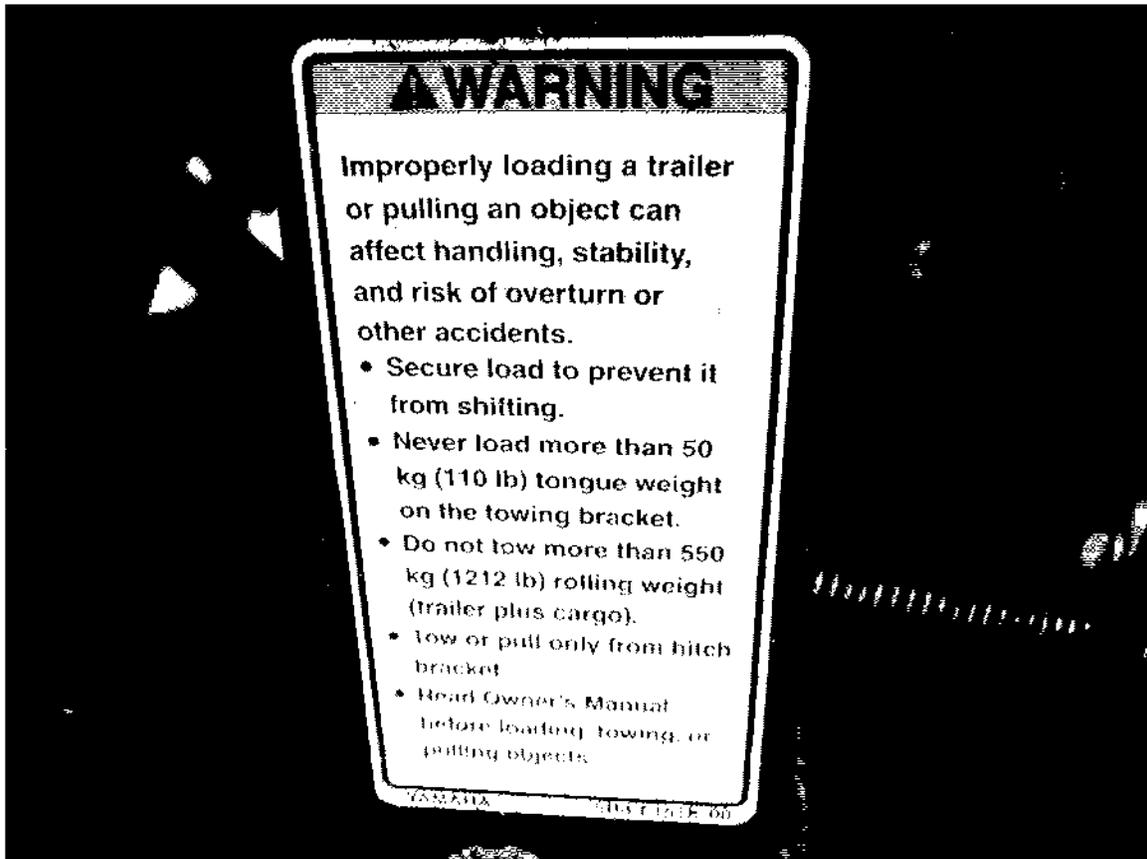


Exhibit A – 15 below is decal for brand and model of UTV.



Exhibit B - Copy of pertinent pages from UTV Owner's Manual



READ THIS MANUAL CAREFULLY!
It contains important safety information.

OWNER'S MANUAL



UTV'S USE AND OPERATION

YXR7FY

YXR7FDUY/YXR7FSPY

YXR7FHU/YXR7FSEY

LIT-11626-22-14

5B4-F8199-11

Exhibit B - Copy of pertinent pages from UTV Owner's Manual

Before you operate the Rhino

• Prepare yourself and your passenger.

- This vehicle is intended for use only by an operator 16 or older with a valid motor vehicle license.



Rhino
should
be two
allow
riding

DRIVER
UNDER

16

is and
to re-

- This vehicle is designed to carry the driver and one passenger. Never carry passengers in the cargo bed.
- Both driver and passenger should wear seat belts properly.
- Both driver and passenger must be able to put both feet flat on the floorboard while seated upright with their backs against the seat backs. Passenger must be able to reach and hold the handholds within the cage/frame.
- Both driver and passenger should wear an approved motorcycle helmet that fits properly. Both driver and passenger should also wear eye protection (goggles or a face shield), gloves, over-the-ankle boots, long-sleeved shirt or jacket, and long pants.
- Do not drive or ride as passenger after using drugs or alcohol.

Exhibit B - Copy of pertinent pages from UTV Owner's Manual

Prepare your vehicle

Perform the pre-operation checks each time you use the vehicle to make sure it is in safe operating condition. Failure to inspect or maintain the vehicle properly increases the possibility of an accident or equipment damage. See pages 5-1-5-2 for a list of pre-operation checks.

Prepare your load or trailer

Carrying loads, towing a trailer, or pulling objects can affect handling, stability, and risk of overturn or other accidents.

- Read Chapter 6 before loading, towing, or pulling objects.
- Do not overload the vehicle or trailer. Refer to label in cargo bed for cargo bed load limit. Refer to label next to hitch for tongue weight and trailer load limits.
- Keep weight in the cargo bed centered side to side, and as low and as far forward as possible.
- Secure cargo so that it will not shift - a loose load could change handling unexpectedly or be thrown forward and strike occupants.

While using

- Keep your wheel.
- Watch for dangerous objects.
- Watch for abrupt inclusion.
- Watch for inclusion.

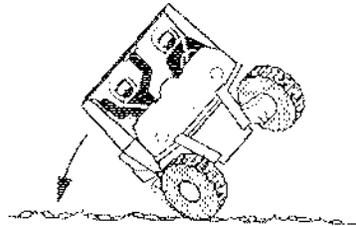
Exhibit B - Copy of pertinent pages from UTV Owner's Manual

While using the Rhino

- Keep your body completely inside the vehicle at all times. Keep both hands on the steering wheel. Be sure passenger is seated, belted, and holding onto the handholds. Close doors before driving. Any part of your body (arms, legs, and head) outside the vehicle can be struck by objects your vehicle is passing or crushed by the vehicle cage/frame in a rollover accident.
- Watch for branches, brush, or other hazards that could enter the vehicle.
- Abrupt maneuvers or aggressive driving, even on flat, open areas, can cause loss of control, including rollovers. The Rhino has higher ground clearance and other features to handle rugged terrain, and, as a result, can overturn in situations where some other vehicles may not.

Exhibit B - Copy of pertinent pages from UTV Owner's Manual

- ◆ Avoid rollovers.
 - Use care when turning
 - Turning the steering wheel too far or too fast can result in a rollover.
 - Avoid sideways sliding, skidding, or fishtailing, and never do donuts.
 - Slow down before entering a turn and avoid hard braking in a turn.
 - When making tight turns from a stop or at slow speeds, avoid sudden or hard acceleration.



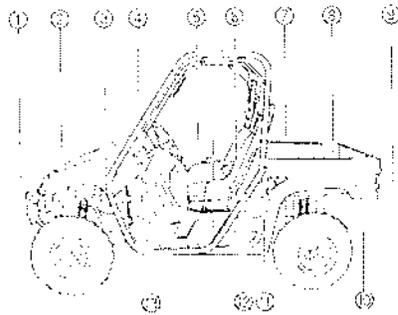
- Drive slow!
- Avoid heels!
- If you hit live stock
 - Do not crush!
 - Do not crush!
 - Do not crush!
- Do not go over rocks, or to loss of crossing!

Exhibit B - Copy of pertinent pages from UTV Owner's Manual

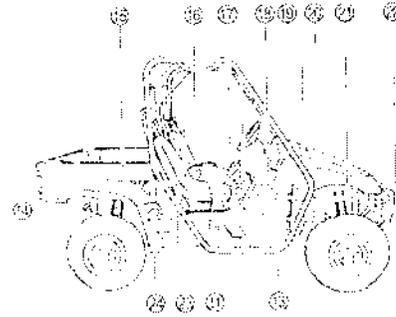
- Drive straight up and down inclines, not across them. If crossing a hill is unavoidable, drive slowly and turn downhill immediately if you feel the vehicle may tip.
- Avoid paved surfaces. Turn gradually and go slowly if you must drive on pavement. This vehicle is designed for off-road use only.
- If you think or feel that the vehicle may tip or roll, keep your body completely inside the protective structure of the vehicle.
 - Brace yourself by pressing your feet firmly on the footboards and keep a firm grip on the steering wheel or handholes.
 - Do not put your hands or feet outside of the vehicle for any reason. Your arm or leg could be crushed.
 - Do not try to stop a vehicle (pover) using your arm or leg.
- Do not operate this vehicle on any public street, road, or highway, even if dirt or gravel.
- Do not operate the vehicle in fast-flowing water or water deeper than 33 cm (13 in). If you must cross shallow, slow-moving water, choose your path carefully to avoid sharp drop-offs, large rocks, or slippery surfaces. Operating this vehicle through deep or fast-flowing water can lead to loss of control or overturn. To reduce your risk of drowning or other injuries, use care when crossing through water.

Exhibit B - Copy of pertinent pages from UTV Owner's Manual

DESCRIPTION



- 1. Headlight
- 2. Front shock absorber assembly
- 3. Brake pad/rear wheel
- 4. Axle/Lens combination
- 5. Wheel/piston
- 6. Drive shaft
- 7. Drive seat belt
- 8. Cargo bed
- 9. Tail brake light
- 10. Rear shock absorber assembly
- 11. Cargo bed/rear wheel
- 12. Spare tire
- 13. Drive



- 14. Spark arrester
- 15. Passenger seat belt
- 16. Passenger seat
- 17. Passenger bar/seat
- 18. Engine oil dipstick
- 19. Battery
- 20. Fuel tank
- 21. Coolant reservoir
- 22. Fuel filter
- 23. Oil filter cartridge
- 24. Fuel tank cap



- 25. Light switch
- 26. Steering wheel
- 27. Mirror/wheel
- 28. On Control
- 29. Max. Load
- 30. Helmet/Seat
- 31. Auxiliary Oil
- 32. Drive shaft
- 33. Parking Lot
- 34. Accelerator
- 35. Brake pedal

Exhibit B - Copy of pertinent pages from UTV Owner's Manual

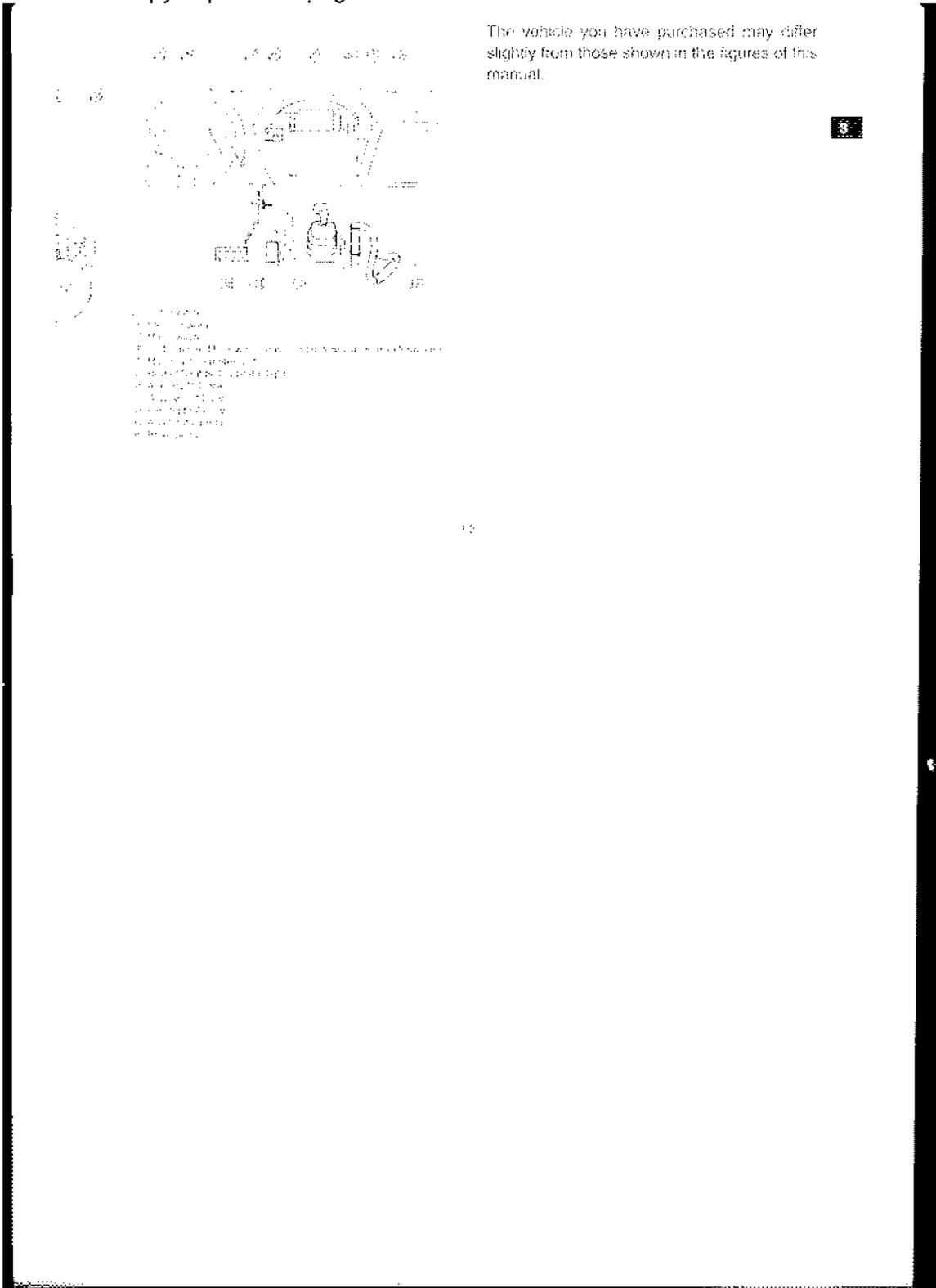


Exhibit C - Copy of Recall/Repair Program notification to owner of UTV



YAMAHA MOTOR CORPORATION, U.S.A.
1400 SHELTON BLVD. • FREMONT, CA 94538 • TEL: (925) 436-2100 • FAX: (925) 436-2101

Repair Campaign Announcement

March 31, 2009

Dear Yamaha Rhino 400/450 UTV Owner:

In cooperation with the Consumer Product Safety Commission (CPSC), Yamaha Motor Corporation, U.S.A. will be offering certain free repairs for all Rhinos 400 & 450 UTVs vehicles.

This is not a recall. This is a voluntary repair program.

The CPSC announced the initial provisions for UTVs with the model identification code voluntarily implementing the safety recommendations for Rhinos 400 models.

According to the CPSC, the following two repairs are needed to treat recall conditions of transfer and improve wheel handling:

1. Installation of a grip or removal of the tire wheels.
2. Removal of the front anti-sway bar.

Repair parts (including CPSC requirements) will be available to be installed by your Yamaha dealer as quickly as possible. We will also develop additional repair information and will contact you if how applicable to all registered owners or inform on these parts are available.

You should not operate your Rhino until it is modified with these repair parts. If you own a Rhino 400 or 450 that does not have the two items and additional transportation handled offered by Yamaha, you should also have these parts installed on your vehicle.

Yamaha stands firmly behind the Rhino 400 as a safe, reliable off-road vehicle. The Rhino is the best selling UTV vehicle in the market and has been shown to be the most reliable class with many industry and press awards to its credit. Indeed, **more than 99% of Rhinos sold to date are being enjoyed by enthusiastic owners without reported incidents.**

Yamaha always exercises the safe, responsible use of our products. As a reminder, Rhino owners should always wear their seat belts and helmets, use additional safety equipment, and warnings in the owner's manual and other safety materials. The Rhino is only recommended for operation by and older with a valid driver's license. Every passenger must be full weight in place, both feet on the floorboard with his or her back against the seat back.

If you need additional information about this repair campaign, please contact your Yamaha dealer or go to www.yamahautvs.com. If you still have unanswered questions, please call Yamaha at 800-960-7726. You may also wish to go to the CPSC's website at www.gov.or call their hotline at 800-633-2772.

Thank you for your understanding and support.

Sincerely,
 Customer Support Group
 Yamaha Motor Corporation, U.S.A.

Exhibit C - Copy of Recall/Repair Program notification to owner of UTV



YAMAHA MOTOR CORPORATION, U.S.A.
1400 S. Bascom Avenue, Suite 100, San Jose, CA 95128

IMPORTANT SAFETY INFORMATION

May 27, 2009

Dear Yamaha UTV Owner:

In cooperation with the U.S. Consumer Product Safety Commission (CPSC), Yamaha Motor Corporation, U.S.A. is offering you a free repair program for Yamaha UTVs that have a faulty steering assembly. As a courtesy, we are also offering this offer for the owner of the affected UTV.

THE FREE REPAIR PROGRAM

The following was repaired (and if needed replaced) by Yamaha Motor Corporation, U.S.A. at no charge to you. The following items are included in the repair program:

- Free cost of labor to install or replace the steering bar
- Free cost of the steering bar

This campaign is not a recall. This is a voluntary repair program.

Given the potential for injury to the operator and passengers, it is important that you take the time to have your UTV inspected by a qualified technician. If you are unable to find a qualified technician, please contact Yamaha Motor Corporation, U.S.A. for assistance. We will provide you with a list of qualified technicians in your area. The following information is provided for your information only. It is not intended to be a substitute for professional advice. Please consult your dealer for more information.

Yamaha Motor Corporation, U.S.A. is offering this repair program to you at no charge. The program is available to you until the program ends. The program is available to you until the program ends. The program is available to you until the program ends.

Yamaha Motor Corporation, U.S.A. is offering this repair program to you at no charge. The program is available to you until the program ends. The program is available to you until the program ends. The program is available to you until the program ends.

Should you experience any problems with your UTV, please contact your dealer or Yamaha Motor Corporation, U.S.A. for assistance. We will provide you with a list of qualified technicians in your area.

Yamaha Motor Corporation, U.S.A. is offering this repair program to you at no charge. The program is available to you until the program ends. The program is available to you until the program ends. The program is available to you until the program ends.

Exhibit D - Status of Missing Document Form with attached Authorization for Medical Records Disclosure Form

Task No. 090507CCC2609

Date: 8/1/09

STATUS OF MISSING DOCUMENT (S)

The official records were requested for this investigation report but could not be obtained.

- 1. Medical Records of Victim
- 2.
- 3.
- 4.
- 5.

Date: 8/1/09 **Investigator No:** MSI

Regional office: **Supervisor No:**

Exhibit D - Status of Missing Document Form with attached Authorization for Medical Records Disclosure Form

APPENDIX A - HEALTH CARE PROVIDER AUTHORIZATION FOR DISCLOSURE

A. CONSENT BY PROVIDER (EXERCISE OF DISCRETION)

1. AUTHORITY TO PROVIDE HEALTH CARE SERVICES

The undersigned is a duly licensed health care provider in the State of California. I am authorized to provide health care services to the patient named below. I have reviewed the patient's medical records and have determined that the disclosure of the information requested is in the patient's best interests. I have discussed the disclosure of the information requested with the patient and the patient has agreed to the disclosure of the information requested.

2. AUTHORITY TO OBTAIN INFORMATION

I have reviewed the patient's medical records and have determined that the disclosure of the information requested is in the patient's best interests. I have discussed the disclosure of the information requested with the patient and the patient has agreed to the disclosure of the information requested.

I have discussed the disclosure of the information requested with the patient and the patient has agreed to the disclosure of the information requested.

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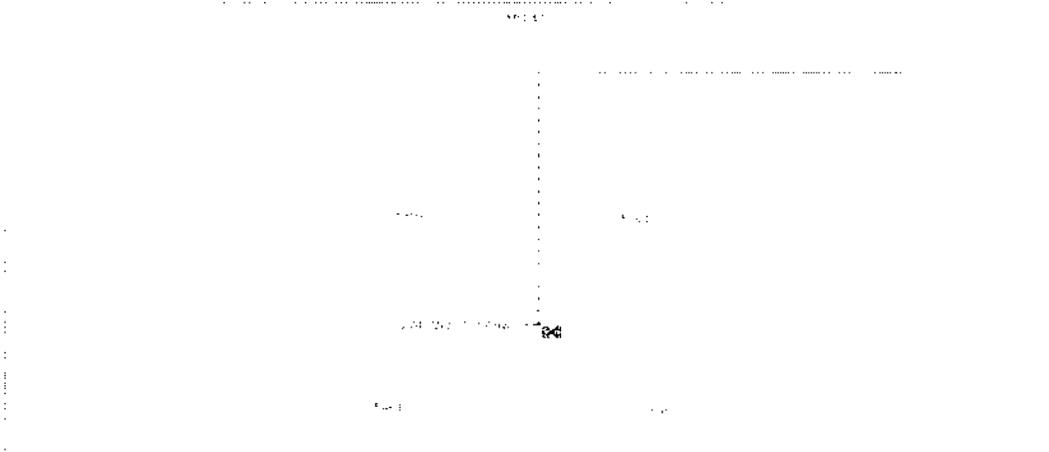
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I have discussed the disclosure of the information requested with the patient and the patient has agreed to the disclosure of the information requested.

Exhibit E - Copy of Missouri State Highway Patrol Accident Report

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7 COLLISION DIAGRAM Direction Prior to Impact (circle one) V1 V2 V3 V4 V1 NA V2 NA V3 NA V4 NA



8 EVIDENTIARY PHOTOS TAKEN

1. [] None taken NA
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Exhibit E - Copy of Missouri State Highway Patrol Accident Report

REPORT # 033200901475

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9. OTHERS

SEAT LOCATION	INJURY	TRANSPORTED	EJECTION	ASSIGNMENT	SERIALS	MARKS/DEVIAS

10. DRIVERS

NAME ADDRESS	DATE OF BIRTH MM DD YYYY	SEX	HT IN	WT LB	HAIR COLOR	EYES COLOR	HAZARD PERMITS	CLASS NO.	EXPIRES	TELEPHONE NO.	
<input checked="" type="checkbox"/> 1. Driver NAME: SYDNEY L. SCHULTE ADDRESS: 481 PERIGRINE CT, WINFIELD, MO, 63389	11-09-1967	M	1	M	2	2	4	1	1	8	636-566-8939

11. OTHER OCCUPANTS & PEDESTRIANS

NAME ADDRESS	DATE OF BIRTH MM DD YYYY	SEX	HT IN	WT LB	HAIR COLOR	EYES COLOR	HAZARD PERMITS	CLASS NO.	EXPIRES	TELEPHONE NO.	
<input type="checkbox"/> 2. Passenger NAME: SYDNEY L. SCHULTE ADDRESS: 481 PERIGRINE CT, WINFIELD, MO, 63389	02-12-2000	F	1	SV	4	1	4	1	1	8	636-566-8939
<input type="checkbox"/> 3. Passenger NAME: LIAM D. SCHULTE ADDRESS: 481 PERIGRINE CT, WINFIELD, MO, 63389	07-02-2001	M	1	SV	5	1	4	1	1	8	636-566-8939
<input type="checkbox"/> 4. Passenger											
<input type="checkbox"/> 5. Passenger											
<input type="checkbox"/> 6. Passenger											
<input type="checkbox"/> 7. Passenger											

12. VEHICLE BODY TYPES
AUTOMOBILES / SPECIAL VEHICLES

1. **Automobile**

2. **Light Truck**

3. **Medium Truck**

4. **Heavy Truck**

5. **Tractor**

6. **Tractor Trailer**

7. **Motorcycle**

8. **Motorcycle Trailer**

9. **Other**

10. **Other**

11. **Other**

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14. HAZARDOUS MATERIALS

1. **None**

2. **None**

3. **None**

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15. ACCIDENT TYPE

1. **None**

2. **None**

3. **None**

4. **None**

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16. TRAFFIC CONDITIONS

1. **None**

2. **None**

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17. VEHICLE ACTION / SEQUENCE OF EVENTS

1. **None**

2. **None**

3. **None**

4. **None**

5. **None**

6. **None**

7. **None**

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Annual hours: Direct and indirect - (Hours expended in month)

Exhibit E - Copy of Missouri State Highway Patrol Accident Report

REPORT # 012100901475 PAGE 4 of 4

<p>18 PROBABLE CONTRIBUTING CIRCUMSTANCES</p> <p><input type="checkbox"/> Driver 1</p> <p><input type="checkbox"/> Driver 2</p> <p><input type="checkbox"/> Driver 3</p> <p><input type="checkbox"/> Driver 4</p> <p><input type="checkbox"/> Driver 5</p> <p><input type="checkbox"/> Driver 6</p> <p><input type="checkbox"/> Driver 7</p> <p><input type="checkbox"/> Driver 8</p> <p><input type="checkbox"/> Driver 9</p> <p><input type="checkbox"/> Driver 10</p> <p><input type="checkbox"/> Driver 11</p> <p><input type="checkbox"/> Driver 12</p> <p><input type="checkbox"/> Driver 13</p> <p><input type="checkbox"/> Driver 14</p> <p><input type="checkbox"/> Driver 15</p> <p><input type="checkbox"/> Driver 16</p> <p><input type="checkbox"/> Driver 17</p> <p><input type="checkbox"/> Driver 18</p> <p><input type="checkbox"/> Driver 19</p> <p><input type="checkbox"/> Driver 20</p> <p><input type="checkbox"/> Driver 21</p> <p><input type="checkbox"/> Driver 22</p> <p><input type="checkbox"/> Driver 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<p>22 ROAD DAMAGE</p> <p><input type="checkbox"/> Driver 1</p> <p><input type="checkbox"/> Driver 2</p> <p><input type="checkbox"/> Driver 3</p> <p><input type="checkbox"/> Driver 4</p> <p><input type="checkbox"/> Driver 5</p> <p><input type="checkbox"/> Driver 6</p> <p><input type="checkbox"/> Driver 7</p> <p><input type="checkbox"/> Driver 8</p> <p><input type="checkbox"/> Driver 9</p> <p><input type="checkbox"/> Driver 10</p> <p><input type="checkbox"/> Driver 11</p> <p><input type="checkbox"/> Driver 12</p> <p><input type="checkbox"/> Driver 13</p> <p><input type="checkbox"/> Driver 14</p> <p><input type="checkbox"/> Driver 15</p> <p><input type="checkbox"/> Driver 16</p> <p><input type="checkbox"/> Driver 17</p> <p><input type="checkbox"/> Driver 18</p> <p><input type="checkbox"/> Driver 19</p> <p><input type="checkbox"/> Driver 20</p> <p><input type="checkbox"/> Driver 21</p> <p><input type="checkbox"/> Driver 22</p> <p><input type="checkbox"/> Driver 23</p> <p><input type="checkbox"/> Driver 24</p> <p><input type="checkbox"/> Driver 25</p> <p><input type="checkbox"/> Driver 26</p> <p><input type="checkbox"/> Driver 27</p> <p><input type="checkbox"/> Driver 28</p> <p><input type="checkbox"/> Driver 29</p> <p><input type="checkbox"/> Driver 30</p> <p><input type="checkbox"/> Driver 31</p> <p><input type="checkbox"/> Driver 32</p> <p><input type="checkbox"/> Driver 33</p> <p><input type="checkbox"/> Driver 34</p> <p><input type="checkbox"/> Driver 35</p> <p><input type="checkbox"/> Driver 36</p> <p><input type="checkbox"/> Driver 37</p> <p><input type="checkbox"/> Driver 38</p> <p><input type="checkbox"/> Driver 39</p> <p><input type="checkbox"/> Driver 40</p> <p><input type="checkbox"/> Driver 41</p> <p><input type="checkbox"/> Driver 42</p> <p><input type="checkbox"/> Driver 43</p> <p><input type="checkbox"/> Driver 44</p> <p><input type="checkbox"/> Driver 45</p> <p><input type="checkbox"/> Driver 46</p> <p><input type="checkbox"/> Driver 47</p> <p><input type="checkbox"/> Driver 48</p> <p><input type="checkbox"/> Driver 49</p> <p><input type="checkbox"/> Driver 50</p>	<p>23 LIGHT CONDITION</p> <p><input checked="" type="checkbox"/> Daylight</p> <p><input type="checkbox"/> Night</p> <p><input type="checkbox"/> Dawn</p> <p><input type="checkbox"/> Dusk</p> <p><input type="checkbox"/> Fog</p> <p><input type="checkbox"/> Snow</p> <p><input type="checkbox"/> Ice</p> <p><input type="checkbox"/> Rain</p> <p><input type="checkbox"/> Wind</p> <p><input type="checkbox"/> Other</p>	<p>24 WEATHER CONDITION</p> <p><input checked="" type="checkbox"/> Clear</p> <p><input type="checkbox"/> Partly Cloudy</p> <p><input type="checkbox"/> Cloudy</p> <p><input type="checkbox"/> Overcast</p> <p><input type="checkbox"/> Fog</p> <p><input type="checkbox"/> Snow</p> <p><input type="checkbox"/> Ice</p> <p><input type="checkbox"/> Rain</p> <p><input type="checkbox"/> Wind</p> <p><input type="checkbox"/> Other</p>	<p>25 ROAD CONDITION</p> <p><input checked="" type="checkbox"/> Dry</p> <p><input type="checkbox"/> Wet</p> <p><input type="checkbox"/> Icy</p> <p><input type="checkbox"/> Snowy</p> <p><input type="checkbox"/> Other</p>

27 COMMERCIAL MOTOR VEHICLES (provide below vehicle identification numbers)

<p>A. CMV CRITERIA</p> <p><input type="checkbox"/> Driver 1</p> <p><input type="checkbox"/> Driver 2</p> <p><input type="checkbox"/> Driver 3</p> <p><input type="checkbox"/> Driver 4</p> <p><input type="checkbox"/> Driver 5</p> <p><input type="checkbox"/> Driver 6</p> <p><input type="checkbox"/> Driver 7</p> <p><input type="checkbox"/> Driver 8</p> <p><input type="checkbox"/> Driver 9</p> <p><input type="checkbox"/> Driver 10</p> <p><input type="checkbox"/> Driver 11</p> <p><input type="checkbox"/> Driver 12</p> <p><input type="checkbox"/> Driver 13</p> <p><input type="checkbox"/> Driver 14</p> <p><input type="checkbox"/> Driver 15</p> <p><input type="checkbox"/> Driver 16</p> <p><input type="checkbox"/> Driver 17</p> <p><input type="checkbox"/> Driver 18</p> <p><input type="checkbox"/> Driver 19</p> <p><input type="checkbox"/> Driver 20</p> <p><input type="checkbox"/> Driver 21</p> <p><input type="checkbox"/> Driver 22</p> <p><input type="checkbox"/> Driver 23</p> <p><input type="checkbox"/> Driver 24</p> <p><input type="checkbox"/> Driver 25</p> <p><input type="checkbox"/> Driver 26</p> <p><input type="checkbox"/> Driver 27</p> <p><input type="checkbox"/> Driver 28</p> <p><input type="checkbox"/> Driver 29</p> <p><input type="checkbox"/> Driver 30</p> <p><input type="checkbox"/> Driver 31</p> <p><input type="checkbox"/> Driver 32</p> <p><input type="checkbox"/> Driver 33</p> <p><input type="checkbox"/> Driver 34</p> <p><input type="checkbox"/> Driver 35</p> <p><input type="checkbox"/> Driver 36</p> <p><input type="checkbox"/> Driver 37</p> <p><input type="checkbox"/> Driver 38</p> <p><input type="checkbox"/> Driver 39</p> <p><input type="checkbox"/> Driver 40</p> <p><input type="checkbox"/> Driver 41</p> <p><input type="checkbox"/> Driver 42</p> <p><input type="checkbox"/> Driver 43</p> <p><input type="checkbox"/> Driver 44</p> <p><input type="checkbox"/> Driver 45</p> <p><input type="checkbox"/> Driver 46</p> <p><input type="checkbox"/> Driver 47</p> <p><input type="checkbox"/> Driver 48</p> <p><input type="checkbox"/> Driver 49</p> <p><input type="checkbox"/> Driver 50</p>	<p>B. 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NUMBER</p> <p><input type="checkbox"/> Driver 1</p> <p><input type="checkbox"/> Driver 2</p> <p><input type="checkbox"/> Driver 3</p> <p><input type="checkbox"/> Driver 4</p> <p><input type="checkbox"/> Driver 5</p> <p><input type="checkbox"/> Driver 6</p> <p><input type="checkbox"/> Driver 7</p> <p><input type="checkbox"/> Driver 8</p> <p><input type="checkbox"/> Driver 9</p> <p><input type="checkbox"/> Driver 10</p> <p><input type="checkbox"/> Driver 11</p> <p><input type="checkbox"/> Driver 12</p> <p><input type="checkbox"/> Driver 13</p> <p><input type="checkbox"/> Driver 14</p> <p><input type="checkbox"/> Driver 15</p> <p><input type="checkbox"/> Driver 16</p> <p><input type="checkbox"/> Driver 17</p> <p><input type="checkbox"/> Driver 18</p> <p><input type="checkbox"/> Driver 19</p> <p><input type="checkbox"/> Driver 20</p> <p><input type="checkbox"/> Driver 21</p> <p><input type="checkbox"/> Driver 22</p> <p><input type="checkbox"/> Driver 23</p> <p><input type="checkbox"/> Driver 24</p> <p><input type="checkbox"/> Driver 25</p> <p><input type="checkbox"/> Driver 26</p> <p><input type="checkbox"/> Driver 27</p> <p><input type="checkbox"/> Driver 28</p> <p><input type="checkbox"/> Driver 29</p> <p><input type="checkbox"/> Driver 30</p> <p><input type="checkbox"/> Driver 31</p> <p><input type="checkbox"/> Driver 32</p> <p><input type="checkbox"/> Driver 33</p> <p><input type="checkbox"/> Driver 34</p> <p><input type="checkbox"/> Driver 35</p> <p><input type="checkbox"/> Driver 36</p> <p><input type="checkbox"/> Driver 37</p> <p><input type="checkbox"/> Driver 38</p> <p><input type="checkbox"/> Driver 39</p> <p><input type="checkbox"/> Driver 40</p> <p><input type="checkbox"/> Driver 41</p> <p><input type="checkbox"/> Driver 42</p> <p><input type="checkbox"/> Driver 43</p> <p><input type="checkbox"/> Driver 44</p> <p><input type="checkbox"/> Driver 45</p> <p><input type="checkbox"/> Driver 46</p> <p><input type="checkbox"/> Driver 47</p> <p><input type="checkbox"/> Driver 48</p> <p><input type="checkbox"/> Driver 49</p> <p><input type="checkbox"/> Driver 50</p>	<p>C. CANADA REG. NUMBER</p> <p><input type="checkbox"/> Driver 1</p> <p><input type="checkbox"/> Driver 2</p> <p><input type="checkbox"/> Driver 3</p> <p><input type="checkbox"/> Driver 4</p> <p><input type="checkbox"/> Driver 5</p> <p><input type="checkbox"/> Driver 6</p> <p><input type="checkbox"/> Driver 7</p> <p><input type="checkbox"/> Driver 8</p> <p><input type="checkbox"/> Driver 9</p> <p><input type="checkbox"/> Driver 10</p> <p><input type="checkbox"/> Driver 11</p> <p><input type="checkbox"/> Driver 12</p> <p><input type="checkbox"/> Driver 13</p> <p><input type="checkbox"/> Driver 14</p> <p><input type="checkbox"/> Driver 15</p> <p><input type="checkbox"/> Driver 16</p> <p><input type="checkbox"/> Driver 17</p> <p><input type="checkbox"/> Driver 18</p> <p><input type="checkbox"/> Driver 19</p> <p><input type="checkbox"/> Driver 20</p> <p><input type="checkbox"/> Driver 21</p> <p><input type="checkbox"/> Driver 22</p> <p><input type="checkbox"/> Driver 23</p> <p><input type="checkbox"/> Driver 24</p> <p><input type="checkbox"/> Driver 25</p> <p><input type="checkbox"/> Driver 26</p> <p><input type="checkbox"/> Driver 27</p> <p><input type="checkbox"/> Driver 28</p> <p><input type="checkbox"/> Driver 29</p> <p><input type="checkbox"/> Driver 30</p> <p><input type="checkbox"/> Driver 31</p> <p><input type="checkbox"/> Driver 32</p> <p><input type="checkbox"/> Driver 33</p> <p><input type="checkbox"/> Driver 34</p> <p><input type="checkbox"/> Driver 35</p> <p><input type="checkbox"/> Driver 36</p> <p><input type="checkbox"/> Driver 37</p> <p><input type="checkbox"/> Driver 38</p> <p><input type="checkbox"/> Driver 39</p> <p><input type="checkbox"/> Driver 40</p> <p><input type="checkbox"/> Driver 41</p> <p><input type="checkbox"/> Driver 42</p> <p><input type="checkbox"/> Driver 43</p> <p><input type="checkbox"/> Driver 44</p> <p><input type="checkbox"/> Driver 45</p> <p><input type="checkbox"/> Driver 46</p> <p><input type="checkbox"/> Driver 47</p> <p><input type="checkbox"/> Driver 48</p> <p><input type="checkbox"/> Driver 49</p> <p><input type="checkbox"/> Driver 50</p>
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28 NARRATIVE STATEMENTS (if additional sheets are used, attach to top of this sheet)

This accident occurred as vehicle 1 was traveling northbound in a field. Vehicle 1 was an SUV with a bench seat. Liam Schmitz was sitting in the center and Sydney Schmitz was sitting on the right side. Driver 1 was accelerating while making a right turn. Driver 1 failed to maintain control of the vehicle and overturned. Driver 1 and the passengers were totally ejected.

Driver 1 was unable to make a statement due to his injuries.

Witness 1 stated, "I seen the driver trying to do doughnuts in the field and he accelerated to fast and overturned the vehicle."

An Evac Helicopter transported driver 1 to St John's Hospital in St Louis, Missouri. Passenger 1 and passenger 2 had no apparent injuries.

29. REPORTING OFFICER SIGNATURE	SSN / BADGE NO	BEAT / ZONE	TROOP / DIST / PCT
Chad M Dollard	0504	5	C
REVIEWING OFFICER 1 SIGNATURE	SSN / BADGE NO	REVIEWING OFFICER 2 SIGNATURE	SSN / BADGE NO
Sgt. M. J. Coon	1235		

Exhibit G - Authorization for Release of Name Form (Owner of UTV)

U.S. Consumer Product Safety Commission

AUTHORIZATION FOR RELEASE OF NAME

Thank you for assisting us in collecting information on a potential product safety problem. The Consumer Product Safety Commission depends on concerned people to share product safety information with us. We maintain a record of this information, and use it to assist us in identifying and resolving product safety concerns.

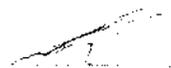
We routinely forward this information to manufacturers and private labelers to inform them of the involvement of their product in an accident situation. We also give the information to others requesting information about specific products. Manufacturers need the individual's name so that they can obtain additional information on the product or accident situation.

Would you please indicate on the bottom of this page whether you will allow us to disclose your name? If you request that your name remain confidential, we will, of course, honor that request. After you have indicated your preference, please sign your name and date the document on the lines provided.

I request that you do not release my name. My identity is to remain confidential.

You may release my name to the manufacturer but I request that you do not release it to the general public.

You may release my name to the manufacturer and to the public.


(Signature)


(Date)

Exhibit H – Data Record Sheet for Utility Vehicle

UTILITY VEHICLE INVESTIGATION CHECK

USE NEISS PROCEDURE 3033 on the cover sheet (Form 187) if the investigator confirms that the incident involves a utility vehicle.

1. Provide the terrain type for the incident (grass, pavement, gravel, etc.) and also indicate if the terrain is flat, sloped, etc. - Vacant field, open flat terrain.

Determine if the driver and/or passengers were wearing seat belts. If they were wearing seat belts, please note if the driver and/or passengers were seated position partially or fully during the incident. Front right passenger wearing seatbelt. Driver and other passenger were not.
2. Determine if the driver and/or passengers were wearing helmets. No helmet worn.
3. Determine ages of the driver and all passengers, and list each person by age and location (ex. Driver - 60yrs, Rider/Front Passenger - 15yrs, etc.). Driver - 60yrs, RI, Front Passenger - 15yrs, Front Passenger - 9yrs.
4. Determine the vehicle's speed at time of incident. If the exact speed is not available, please provide a range, if possible (ex. between 10 - 15 mph, between 3 - 5 mph).
5. Determine if the driver was under the influence at the time of incident and, if so, which direction the turn was being made. Also, please note any other reported driver actions at the time of the incident (ex. drifting, etc.). Driver had no impairment.
6. Determine if the vehicle had after-market modifications. No modification except for a trailer hitch.
7. Determine the make, model, and model year of the vehicle. If possible, please provide complete product identification information including, brand, date manufactured, date of purchase, place of purchase, model/serial numbers, cost, etc. - 2008 Yamaha Rhino, model 700, VIN: 3Y4M8YF94B04874.
8. On the cover sheet (Form 187) please list the vehicle manufacturer (i.e., Yamaha, Inc., Black Dog, or Bauer - etc.) and the vehicle model name (Rhino, ya Black Dog, or Black Dog).
9. Determine if the vehicle rolled or tipped over. Tipped Over.
10. Determine the number of riders on the vehicle at time of incident. 2.
11. Please determine if anyone was killed or injured in the incident. For each victim, please note the following:

Whether the victim was the driver or a passenger. If the victim was a passenger, please note the victim's position in the vehicle (ex. right front seat). Victim was the driver.

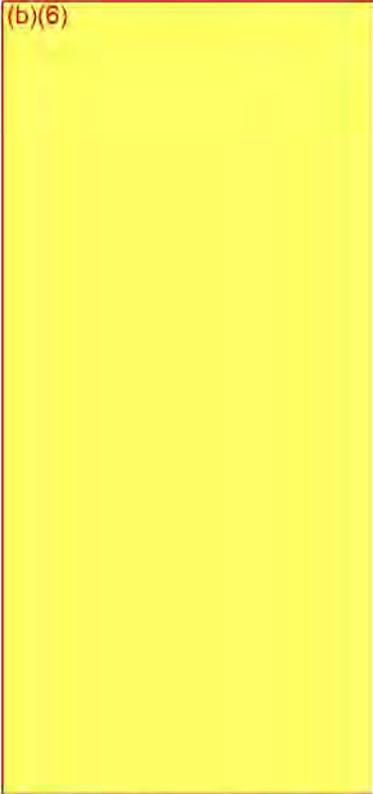
Whether the vehicle hit, ran over, or crushed the victim. Ran over struck victim.

Whether the victim was killed or injured. Injured.

Exhibit I - Contact Information

Missouri Highway Patrol
891 Technology Dr.
Weldon Springs, MO 63304
(636) 300-2800
Records Clerk, Sherry
Contacted: 5/20/09

(b)(6)



St. John's Mercy Medical Center
615 S. New Ballas Road
St. Louis, MO 63141
(314) 251-4622
Contacted: 6/2/09

Contact with Retailer/Manufacturer

Neither the owner nor the victim had contacted the retailer or manufacturer of the UTC concerning the accident.

Exhibit J- Victim's Medical Records

ADDENDUM:

The following information was received from the victim's hospital after the submission of the report.

In this particular in-depth investigation, a UTV overturned causing injury to the victim. At the time this report was submitted, specific information regarding the victim's medical records had been requested but not received. The victim's medical records from St. John's Mercy Medical Center, 615 S. New Ballas Road, St. Louis, MO 63141, should be appended to the original IDI. The Hospital's medical records are listed on the Missing Documents Form initially submitted with the original IDI.

Elsberry Democrat
Lincoln County
Elsberry MO

U094

1300 Weekly
0 Sunday

4791

April 1, 2009

Man seriously injured in ATV accident

13 88
ASHLEY HOLTON

ebdreporter@sbcglobal.net
ISSUE 29 4-15-2009

A Winfield man was seriously injured after an ATV accident Friday, March 20.

(b)(6) 41, flipped a 2009 Yamaha Rhino in a private farm field at Highway 47 at Old Troy Road in Winfield.

The roll bar struck (b)(6) head and he was flown to St. John's Hospital in Creve Coeur by Air Evac Helicopter.

8/31/09

1. Task Number 090507CCC2610		2. Investigator's ID 9090		EPIDEMIOLOGIC INVESTIGATION REPORT
3. Office Code 810	4. Date of Accident YR MO DAY 2005 08 01	5. Date Initiated YR MO DAY 2009 06 22		
6. Synopsis of Accident or Complaint UPC A consumer sustained a broken jaw, memory loss, and a dislocated tail bone when the four wheeled off road utility vehicle that he was driving downhill on a gravel road overturned. The consumer was ejected from the vehicle and was knocked unconscious. He was not wearing a helmet and does not recall if he was wearing a seat belt at the time of the incident.				
<p>MFR/PRVLBR NOTIFIED</p> <p>COMMENTS: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> OVERRULED; <input type="checkbox"/> ATTACHED <i>2/17/10</i></p> <p><input type="checkbox"/> EXCISIONS/FOIA EXS. _____;</p> <p><input checked="" type="checkbox"/> DO NOT RE-NOTIFY <input type="checkbox"/> RE-NOTIFY</p>				
7. Location (Home, School, etc) 5 - OTHER PUBLIC PROPERTY		8. City HARDY		9. State KY
10A. First Product 5044 - Utility Vehicles		10B. Trade/Brand Name YAMAHA		10C. Model Number RHINO - 660
10D. Manufacturer Name and Address YAMAHA MOTOR CORPORATION, USA 6555 Katella Avenue Cypress, CA 90630				
11A. Second Product 0		11B. Trade/Brand Name NONE		11C. Model Number NONE
11D. Manufacturer Name and Address NONE				
12. Age of Victim 51	13. Sex 1 - Male	14. Disposition 4 - Hospitalized	15. Injury Diagnosis 62 - Intern. Org. Inj.	
16. Body Part(s) Involved 75 - HEAD	17. Respondent 1 - Victim/Complainant	18. Type of Investigation 2 - Telephone	19. Time Spent (Operational / Travel) 16 / 0	
20. Attachment(s) 9 - Multiple Attachments		21. Case Source 07 - Consumer Complaint		22. Sample Collection Number
23. Permission to Disclose Name (Non NEISS Cases Only) <input type="radio"/> Yes <input type="radio"/> No <input checked="" type="radio"/> Verbal <input type="radio"/> Yes for Manuf. Only				
24. Review Date 07/13/2009	25. Reviewed By 8978		26. Regional Office Director Dennis R. Blasius	
27. Distribution Topka, Tanya			28. Source Document Number H0940220A	

IDI 090507CCC2610

This case originated upon receipt of a complaint that was filed by the consumer with the U.S. Consumer Product Safety Commission. All information for this report was obtained from the consumer during a telephone interview.

The consumer provided information in his original complaint that his all terrain vehicle poses an injury and accident hazard. He stated that he was driving the vehicle at a speed of less than 5 mph when the rear brakes caused the rear wheels to slide and he suddenly lost control of the vehicle causing the vehicle to flip over and crash. The consumer stated that he was treated for severe head injury trauma and had to have multiple surgeries for the injuries that he sustained in this crash.

The assignment document requested that twelve questions be explicitly addressed in the narrative with regard to this incident.

On June 23, 2009 I made contact with the consumer by telephone and obtained the details for this report. The consumer was not interviewed onsite because the consumer advised that the incident occurred in August of 2005 in a remote mountain area located in Hardy, KY. He stated that he could not recall the exact road or the location of the accident and did not feel that he could find the spot again in order for me to photograph the terrain. The consumer stated that due to the memory loss that he sustained in conjunction with the accident, he could not remember too much about the actual incident.

He stated that he only recently began to remember that he had been involved in the accident after he heard about the recent recall #09-172 involving the same type of four wheeled utility vehicle that he had owned at the time of the accident. The consumer stated that his son sold the incident vehicle shortly after the accident occurred in 2005. The consumer stated that pretty much all of the details that he knows about the accident were told to him by another individual who was riding behind him on a different vehicle at the time of the accident.

The consumer stated that he was 51 years old, 5'10" tall and approximately 220 pounds at the time that the incident occurred in August 2005. He stated that he purchased the 2004 model year four wheeled utility vehicle new in 2004 from a dealer located in Lexington, KY. The consumer stated that he purchased the vehicle mostly for recreational use. He stated that he owned the vehicle for just under a year prior to the accident. He stated that he drove the vehicle about 5 times a month for approximately 25 miles during each use.

The following details are being provided in direct response to the list of questions that CRC requested that I obtain for this report.

1. The consumer stated that the accident occurred on a light gravel type private road located in a remote mountainous area in Hardy, KY. He stated that he was the driver and only occupant in the vehicle when the unit overturned.

IDI 090507CCC2610

1. (Cont). The consumer stated that he was driving downhill on an incline that he believes was approximately 20-40 yards from the top of the hill to the bottom. He stated that he was still near the top of the hill when the accident occurred. He stated that he could not provide an estimate of how steep the incline was but noted that the road was a road that he had driven on before and had never had any prior problems with. The consumer also stated that the road was dry at the time of the accident.
2. The consumer stated that he could not remember if he was wearing a seat belt at the time of the incident although he normally would have been wearing seatbelts when driving the utility vehicle. He stated that when the vehicle overturned onto the passenger side, he was fully ejected directly through the front passenger side of the vehicle and knocked unconscious. The consumer stated that he hit his back on either the vehicles crash bar or a rock. He stated that as far as he knows, the utility vehicle did not roll over onto him. He stated that he was holding onto the steering wheel so tight that the steering wheel actually broke off.
3. The consumer stated that he was not wearing a helmet when the incident occurred.
4. The consumer was the only occupant of the utility vehicle and was sitting on the left driver's side of the unit when the accident occurred.
5. The consumer stated that he was not certain what speed he was traveling at when the accident occurred however the individual who was riding behind him on a separate vehicle stated that they had been creeping along at about 2-5 mph when he overturned.
6. The consumer stated that he was driving downhill on a fairly straight section of the road when the accident occurred. He stated that he was braking at the time and believes that his back wheels lock up, but he does not know if his front wheels may have been slightly turned to the left or right. He stated that as the back wheels locked up, the back end of the vehicle began to slide sideways and within one flow the vehicle overturned onto the passenger side.
7. The consumer stated that the vehicle had after market modifications that included a winch on the front of the unit and guards to protect boot covers. He also stated that he typically always carried about one hundred additional pounds of supplies such as chains in the back bed of the utility vehicle whenever he traveled in it.
8. The consumer identified the four wheeled "utility vehicle" as being a 2004, model year 660 vehicle, camouflage in color. (The specific brand name and manufacturer will be documented at the end of this report). The consumer stated that he purchased the vehicle new in 2004 for approximately \$10,000 from a dealership located in Lexington, KY. He could not recall the name of the dealership. He stated that he thought that it was likely the only dealership in Lexington that carried the brand at that time. The vehicle was not equipped with doors or a windshield.

IDI 090507CCC2610

9. As per the assignment instructions, the manufacturer and model information is documented on the Form 182 as requested.

10. The consumer stated that it was his opinion that the utility vehicle overturned because it was simply unstable and not necessarily due to the fact that the rear brakes locked up as he was pressing on them, causing the vehicle to slide sideways. The consumer stated that this was the only time that he had ever overturned while riding the incident vehicle. He stated that after the incident his son removed and inspected the unit's rear brakes and informed him that the rear brakes had fallen to pieces.

11. The consumer was the only occupant in the vehicle at the time of the accident.

12. The consumer stated that he was fully ejected out of the vehicle when the unit overturned. He stated that the vehicle did not land on him. He stated that he was knocked unconscious and sustained a broken jaw, a concussion, memory loss and a dislocated tailbone. He stated that on the day of the incident his son transported him by car to the Pikeville Methodist Hospital. He stated that he was later transported to a hospital in Lexington, KY for surgery. The consumer stated that he could not recall how long he had been hospitalized, but noted that it was not too long because he had a son who lived in Lexington and he stayed with his son during his initial recovery.

The consumer stated that he still currently suffers from memory loss and occasional pain in his back and neck. He stated that he decided to report this incident because he did not want to see anyone else go through what he has gone through. He stated that he did not report his incident to the manufacturer or to the distributor. The consumer stated that as far as he is aware no other official reports were taken involving his accident.

On the date of this interview the consumer agreed to look for any available official documentation pertaining to this accident and the incident utility vehicle, to include photographs of the vehicle, VIN and serial number and any available medical injury reports. As of the date of this report, the consumer has not been able to provide any of the additional requested information.

On 06/23/09 the consumer gave his verbal consent for the U.S. Consumer Product Safety Commission to release his name and contact information to the manufacturer in conjunction with this report.

PRODUCT IDENTIFICATION

Product.....Utility Vehicle (four wheels)
 Brand.....Yamaha
 Model.....Rhino 660 (without doors)
 Price.....\$10,000 est. provided by the consumer.
 Color.....Camouflage
 VIN.....Unknown

IDI 090507CCC2610

Manufacturer:

Yamaha Motor Corporation, USA
6555 Katella Avenue
Cypress, CA 90630
800-962-7926

Distributor:

Yamaha Dealer (Specific dealer could not be identified).
Lexington, KY

ATTACHMENTS:

Exhibit "A" – Name and Address Contact List.
Exhibit "B" – Missing Document Form.

Report Contact List:

1. Dennis Fite – Consumer

Mailing Address

P.O. Box 423

Hardy, KY 41531

606-353-8100 phone

Residence Address:

1839 Narrows Branch Road

Hardy, KY 41531

Date of initial contact: 06/22/09

Task No. 090507CCC2610

Date: 07/11/09

STATUS OF MISSING DOCUMENT (S)

The official records were requested for this investigation report but could not be obtained.

1. Medical Records from the consumer.

2. Photographs from the consumer.

3. _____

4. _____

5. _____

Date: 07/11/09

Investigator No: 9090

Regional office: CFIE

Supervisor No: 8978

SUMMARY OF FINDINGS:

On or around March 27, 2009, the complainant and his wife purchased a new side by side utility vehicle from a dealer in Sault Sainte Marie, MI. The utility vehicle was purchased for \$11,751.50. The couple purchased the utility vehicle to use for family recreational purposes. According to the complainant, they were informed by the dealer that this vehicle would be "perfect" to take their two-year-old child in. They were instructed to strap in the child's car seat in the front seat of the four wheeler. The complainant explained that their experience level is at a higher level because they had been riding since they were kids. The complainant had owned ATVs in the past and most recently had owned a 2004 Artic Cat but purchased this utility vehicle so that it could be used by the family.

The day after purchasing the utility vehicle, the complainant and his wife took the utility vehicle for a test drive with his wife driving. At the time of the incident, the complainant was 39-years-old and his wife was 34-years-old. Both the complainant and his wife were wearing seat belts, however neither one of them were wearing helmets. The complainant explained that the dealer informed them that they did not need helmets with this type of vehicle because it was considered very safe. They were riding on what the complainant explained as an old railroad grade made into an off road/snowmobile trail located approximately four blocks from their residence. The terrain was described as a flat, gravel terrain with a generally straight path but some turns. The driver was driving at approximately 10 to 15 miles per hour. She was in the process of making a left hand turn when the all terrain vehicle tipped. The driver reported no other actions however, the passenger stuck his foot out as an attempt to stop the unit from tipping and in the got his foot stuck under the vehicle. The driver was able to unfasten her seatbelt and lift the unit enough for the passenger to get his foot from underneath the unit. His foot sustained breaks in four or five spots. The entire vehicle did not land on the passenger's body but rather it just landed on his foot. Once the utility vehicle was lifted off his foot, he and his wife were able to flip the vehicle up. The driver did sustain lacerations to her stomach but did not require medical attention.

The complainant did not contact the manufacturer but did contact the dealer. The dealer offered a trade-in, but offered the complainant a trade-in value of \$6300. The complainant declined the offer because they still owe \$10,000 on the vehicle. Furthermore, the complainant's wife explained that she did not feel comfortable selling the vehicle to anyone else in fear of anyone sustaining an injury.

The complainant and his wife have retained an attorney, however explained that nothing has happened with the legal actions yet.

The complainant has had the vehicle serviced on two occasions through the dealer. Please see Exhibit "C" for copies of repair records.

090507CCC2613

-2-

The complainant has noticed that the dealer currently has no Yamaha Rhino model utility vehicles on their sales lot.

PRODUCT: Utility Vehicle

The product involved in this incident is a 2007 Yamaha Rhino 660 Sports Edition utility vehicle, model number SYXR66FSPW, VIN number 5Y4AM08Y57A011297.

Manufacturer: Yamaha Motor Corporation
6555 Katella Avenue
Cypress, CA 90630
Telephone number: 1-800-962-7926

Dealer: Chippewa Motors
3107 S M 129
Sault Sainte Marie, MI 49783
Telephone number: 906-632-6651

ATTACHMENTS:

Exhibit "A" – Contact List

Exhibit "B" – Photographs

Exhibit "C" – Repair records

Exhibit "D" – Owner's Manual

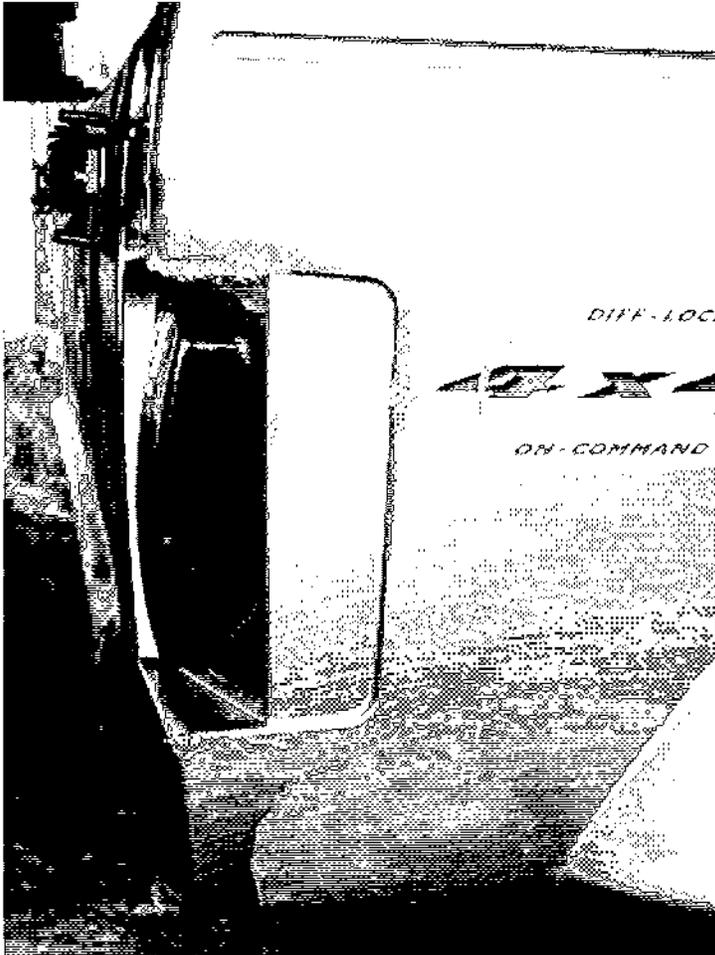
090507CCC2613

Exhibit "A" – Contact List

This in-depth investigation was assigned and initiated on 5/11/09 from a consumer complaint. The information contained in this report was obtained from the complainant during a telephone interview conducted on 6/1/09 and additional email correspondence with his wife.

Complainants: (b)(6)





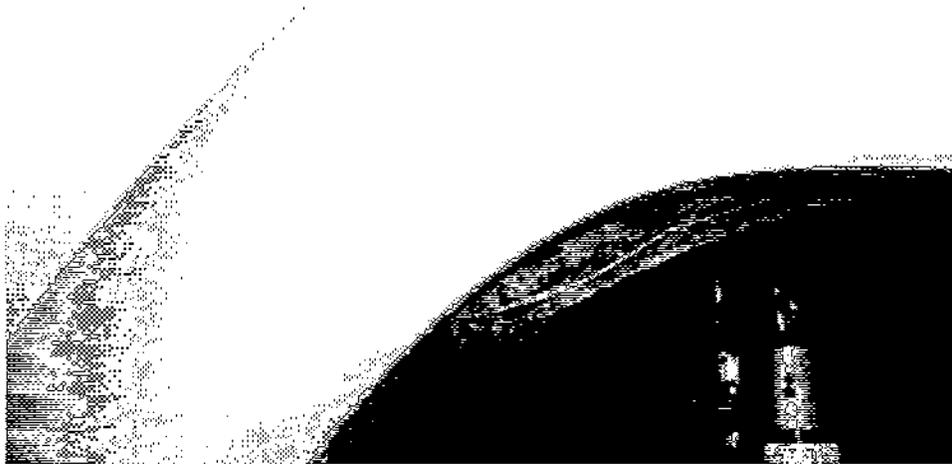
090507CCC2613. Exhibit B. Photograph 1. The damage sustained to the back of the vehicle as a result of it tipping.



090507CCC2613. Exhibit B. Photograph 2. A side view of the complainant's 2007 Yamaha Rhino 660 Sports Edition.



LAND



090507CCC2613. Exhibit B. Photograph 3. The scratches sustained on the unit as a result of the tip over.



090507CCC2613. Exhibit B. Photograph 4. The top of the unit that sustained damage as a result of the tip over.



090507CCC2613. Exhibit B. Photograph 5. The top front of the unit that sustained damage from the tip over.



090507CCC2613. Exhibit B. Photograph 6. A front view of the complainant's 2007 Yamaha Rhino 660 Sports Edition all terrain vehicle.

090507CCC2613. Exhibit C Repair records.

Attention Nelson

Chippewa Motors, Inc.

3107 E. M-129
Sault Ste. Marie, MI 49783
(906)832-6851

Repair Order Invoice

R/O Number: 29899
 Invoice Number: 189367
 Cashier: PAT MANSFIELD
 Date: 5/21/2008



Units For This Repair Order

Year	Make	Model	VIN / Serial No.	Plate	Key Board	Miles
2007	YAMAHA	RHINO 650 4WD	5Y1AM08Y57A011297			455

Service Writer:

Job: DOOR KIT (Warranty Claim Number: 2118452B)

Unit: 2007 YAMAHA RHINO 650 4WD SPORT VIN: 5Y1AM08Y57A011297

INSTALL DOOR KIT
SERVICED AIR FILTER, CKED OIL, CKED DIFFERENTIALS

Parts

Part Number	Description	Each Price	Extension
88V-5B4DR-KT-00	1 RHINO DOOR KIT	Warranty	Warranty
		Parts Subtotal	Warranty

Labor

Description	Job Code	Technician	Quantity	Line Total
INSTALL DOOR KIT		DAN SHUMBARGER	1 Hour	Warranty
			Labor Subtotal	Warranty

Recommendations

Resolution

CLEAN AIR FILTER REGULARLY AS NEEDED - FILTER WAS DIRTY

Job Subtotal Warranty

Repair Order Subtotal	\$0.00
Sales Tax	\$0.00
Repair Order Total	\$0.00
Total Amount Due	\$0.00
No Payment tendered	\$0.00
Change Due	\$0.00

Thank you for your Business!

866-803-7302

090507COC2613. Exhibit C.

Chippewa Motors, Inc.
 3107 S. M-129
 Sauls Sta. Marle, MI 49783
 (906)632-6651

Repair Order
 R/O Number: 32713
 In Date: 6/27/2009
 Today Date: 6/10/2009
 Date Promised: 6/27/2009

Repair Order For:
 (b)(6)

Unit Name: _____ Location: _____

Units for this Repair Order						Service Writer:		
Year	Make	Model	VIN	Serial No.	Color	Plate	Key Board	Miles
2007	YAMAHA	RHINO 560 4WD	6YAM08Y57A011287		SILVER			279

Job: WHEEL SPACER MOD - REMOVE REAR SWAY BAR (Warranty Claim Number: 229204187)
 Job Ref: 2007 YAMAHA RHINO 560 4WD SPORT YK66FSW 6YAM08Y57A011287

Description
 INSTALL REAR WHEEL SPACERS AND REMOVE REAR SWAY BAR
 90US

Part Number	Quantity	Description	Unit Price	Extension
90891-60108-00	1	SPACER KIT		

Parts Subtotal _____ Warranty _____

Labor
 Description: INST R-WHL SPCRS/REM SWY BR
 Job Code: _____ Technician: DAN SHUMBARGER

Quantity	Unit Total
0.5 Hours	_____

Labor Subtotal _____ Warranty _____
 Job Subtotal _____ Warranty _____

Job: WINCH NOT WORKING
 Job Ref: 2007 YAMAHA RHINO 560 4WD SPORT YK66FSW 6YAM08Y57A011287

Description
 WINCH IS SEIZED

Job Subtotal _____ \$0.00

Repair Order Subtotal _____ \$0.00

0905070002413
Exhibit D

MUST READ (Sub-D)

! WARNING

The engine exhaust from this product contains chemicals known to the State of California to cause cancer, birth defects or other reproductive harm.

YAMAHA

LIT-CALIF-65-01

INTRODUCTION

Congratulations on your purchase of the Yamaha YXR66FW. It represents the result of many years of Yamaha experience in the production of fine sporting, touring, and pace-setting racing vehicles. With the purchase of this Yamaha, you can now appreciate the high degree of craftsmanship and reliability that have made Yamaha a leader in these fields.

This manual will provide you with a good basic understanding of the features and operation of this vehicle. It also includes basic maintenance and inspection procedures. If you have any questions regarding the operation or maintenance of your vehicle, please consult a Yamaha dealer.

▲ WARNING

Please read this manual carefully before operating this vehicle. Do not attempt to operate this vehicle until you have attained adequate knowledge of its controls and operating features. Regular inspections and careful maintenance, along with good operating techniques, will help ensure that you safely enjoy the capabilities and reliability of this vehicle.

Page 2 of 13
Exhibit 5

IMPORTANT MANUAL INFORMATION

FAILURE TO FOLLOW THE WARNINGS CONTAINED IN THIS MANUAL CAN RESULT IN SERIOUS INJURY OR DEATH.

Particularly important information is distinguished in this manual by the following notations:



This is the safety alert symbol. It is used to alert you to potential personal injury hazards. Obey all safety messages that follow this symbol to avoid possible injury or death.

WARNING

A **WARNING** indicates a hazardous situation which, if not avoided, could result in death or serious injury.

NOTICE

A **NOTICE** indicates special precautions that must be taken to avoid damage to the vehicle or other property.

TIP

A **TIP** provides key information to make procedures easier or clearer.

*Product and specifications are subject to change without notice.

20050703265
S. J. D.

IMPORTANT NOTE ABOUT USE

- This vehicle is designed and manufactured for off-road use only. Use on public streets, roads, or highways is not only illegal in most areas, it also increases the risk of an accident involving other vehicles. This vehicle does not meet federal motor vehicle safety standards for on-road use.
- Check the laws and regulations in force before choosing where to operate this vehicle. It is illegal to operate this vehicle on public lands where vehicles its size are prohibited.
- This vehicle complies with almost all state off-highway noise level and spark arrester laws and regulations.

YXR66FW

OWNER'S MANUAL

©2007 by Yamaha Motor Corporation,
U.S.A.

1st edition, July 2007

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permission of

Yamaha Motor Corporation,
U.S.A. is expressly prohibited.

Printed in U.S.A.

P/N LIT-11626-20-64

*JUSTICE 2015
Exhibit D*

2022 UTE 54147

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MOOSE JAW 2013 EVH #1 D

09657002613 EVIAT D

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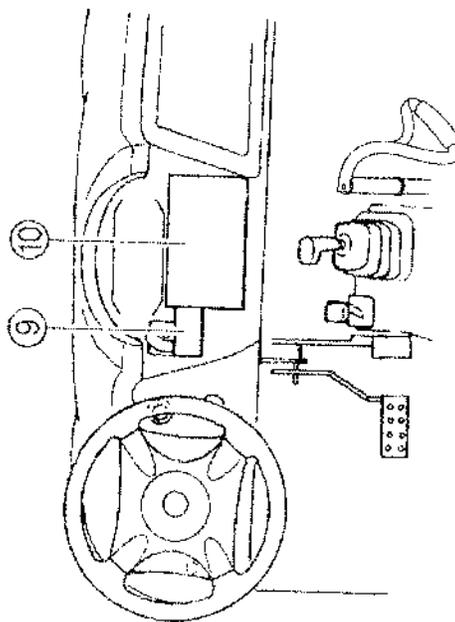
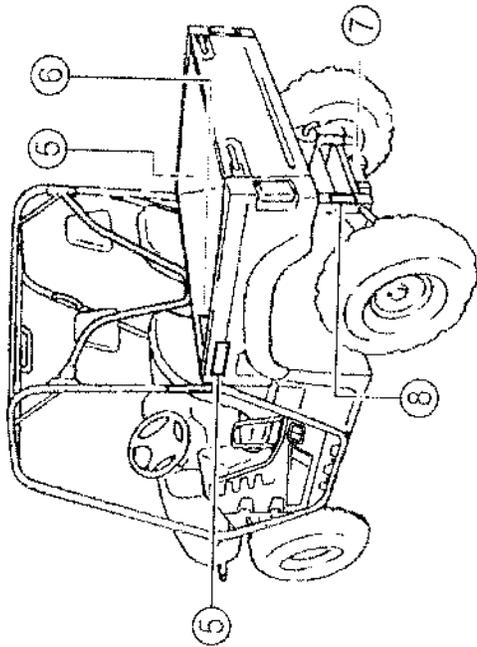
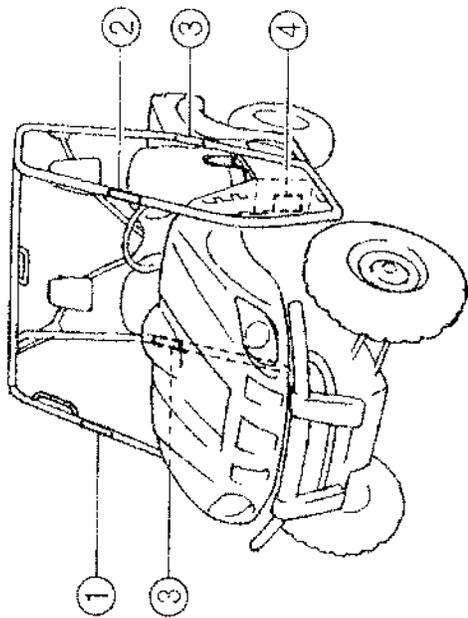
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LOCATION OF THE WARNING AND SPECIFICATION LABELS

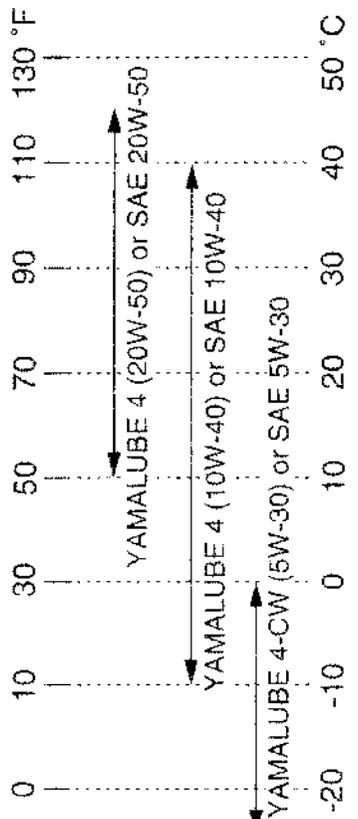


SPECIFICATIONS

(M) 507000 2613 (E) 10/17 A

Model	YXR66FW
Dimensions: Overall length Overall width Overall height Seat height Wheelbase Ground clearance Minimum turning radius	2,885 mm (113.6 in) 1,385 mm (54.5 in) 1,853 mm (73.0 in) 818 mm (32.2 in) 1,910 mm (75.2 in) 280 mm (11.0 in) 3,900 mm (154 in)
Basic weight: With oil and full fuel tank	514.0 kg (1,133 lb)
Engine: Engine type Cylinder arrangement Displacement Bore x stroke Compression ratio Starting system Lubrication system	Liquid cooled 4-stroke, SOHC Forward-inclined single cylinder 660.0 cm ³ 100.0 x 84.0 mm (3.94 x 3.31 in) 9.10:1 Electric starter Wet sump

64056 KCC 2613
Exhibit 1 D

Model	YXR66FW
<p>Engine oil: Type:</p> <p>Recommended engine oil classification</p> <p>Quantity: Without oil filter cartridge replacement With oil filter cartridge replacement</p>	 <p>A temperature range chart with two scales: Fahrenheit (°F) on top and Celsius (°C) on the bottom. The Fahrenheit scale ranges from 0 to 130 in increments of 20. The Celsius scale ranges from -20 to 50 in increments of 10. Three oil grades are indicated with arrows showing their temperature ranges: YAMALUBE 4-CW (5W-30) or SAE 5W-30 from -20°C to 0°C; YAMALUBE 4 (10W-40) or SAE 10W-40 from -10°C to 40°C; and YAMALUBE 4 (20W-50) or SAE 20W-50 from 0°C to 50°C.</p> <p>API service SG type or higher, JASO standard MA</p> <p>NOTICE In order to prevent clutch slippage (since the engine oil also lubricates the clutch), do not mix any chemical additives with oil. Do not use oils with a diesel specification of "CD" or oils of a higher quality than specified. In addition, do not use oils labeled "ENERGY CONSERVING II" or higher.</p> <p>1.90 L (1.67 Imp qt, 2.01 US qt) 2.00 L (1.76 Imp qt, 2.11 US qt)</p>

19657200 2613. Exhibit D

Model	YXR66FW
Final gear case oil: Type Quantity	SAE 80 API GL-4 Hypoid gear oil 0.25 L (0.22 Imp qt, 0.26 US qt)
Differential gear case oil: Type Quantity	SAE 80 API GL-5 Hypoid gear oil 0.32 L (0.28 Imp qt, 0.34 US qt)
Radiator capacity (including all routes):	2.50 L (2.20 Imp qt, 2.64 US qt)
Air filter:	
Engine Intake duct	Wet element Dry element
Fuel: Type Fuel tank capacity	Unleaded gasoline only 30.0 L (6.60 Imp gal, 7.93 US gal)
Carburetor: Type/quantity Manufacturer	BSR42/1 MIKUNI
Spark plug: Type/manufacturer Spark plug gap	DPR8EA-9/NGK 0.8-0.9 mm (0.031-0.035 in)
Clutch type:	Wet, centrifugal automatic

191507002613 (Exhibit 2)

Model	YXR66FW
Transmission: Primary reduction system Secondary reduction system Secondary reduction ratio Transmission type Operation Reverse gear Sub transmission ratio	V-belt Shaft drive 41/21 × 24/18 × 33/9 (9.544) V-belt automatic Right hand operation 25/17 (1.471) 35/17 (2.058) 28/19 (1.473)
Chassis: Frame type Caster angle Trail	Steel tube frame 5.0° 26.0 mm (1.02 in)
Tire: Type Size	Tubeless 25 × 8-12NHS 25 × 10-12NHS

191577002013 (yibip 7)

Model	YXR66FW
Brakes: System Type Operation	Front and rear unified Dual disc brake Single disc brake Foot operation
Suspension: Front suspension Rear suspension	Double wishbone Double wishbone
Shock absorber: Front shock absorber Rear shock absorber	Coil spring/oil damper Coil spring/oil damper
Wheel travel: Front wheel travel Rear wheel travel	185 mm (7.3 in) 185 mm (7.3 in)
Electrical: Ignition system Generator system Battery type Battery capacity	DC CDI AC magneto U1L-11 12 V 28.0 Ah
Headlight type:	Krypton bulb

Model	YXR66FW
Bulb voltage, wattage x quantity: Headlight Tail/brake light	12 V 30.0 W/30.0 W x 2 12 V 5.0 W/21.0 W x 2
Indicator lights: Neutral indicator light Reverse indicator light Coolant temperature warning light Parking brake indicator light On-Command four-wheel-drive/differential gear lock indicator On-Command differential gear lock indicator light High-range indicator light Low-range indicator light	LED LED LED LED LCD LED LED LED
Specified fuses: Main fuse Headlight fuse Ignition fuse Auxiliary DC jack fuse Four-wheel-drive motor fuse Carburetor warmer fuse Signaling system fuse Backup fuse	30.0 A 15.0 A 10.0 A 10.0 A 3.0 A 10.0 A 10.0 A 10.0 A

05/04/2009 10:11:30

Name = (b)(6)
 Address =
 City =
 State =
 Zip = 4
 Email =
 Telephone =
 Name of
 Victim's
 Victim's
 Victim's
 Victim's

Incident Description = MAKING CORNER AT SLOW SPEEDS RHINO ROLLED ONTO SIDE CRUSHING RIGHT FOOT.

Victim's age at time of incident = 39

Victim's sex = male

Date of incident = 03/2007

Product involved = 2007 YAMAHA RHINO 700

Product brand name/manufacturer = YAMAHA

Manufacturer street address =

Place where manufactured (City and State or Country) =

Product model and serial number, manufacture date =

Product damaged, repaired or modified = yes

If yes, before or after the incident = after

Description of damage, repair or modification = RIGHT SIDE OF VEHICLE SCUFFED UP FROM ROLLOVER

Date product purchased = MARCH 2007

Product involved still available = yes

Have you contacted the manufacturer = no

If not, do you plan to contact them = no

Name Release = Release name to manufacturer only

If you have any changes, additions, or comments you wish to make concerning your attached report, please make them in the space below.

The Yamaha Rhino is ~~660~~ ²⁰⁰⁷ Sport Edition. I Brake my Right Foot in 3-5 pieces and was off from work for approximately 4 months. I was able to Return to work with a Full cast on a Limited Duty schedule for approximately 3 months. (Total 6 months)

The vehicle itself is unsafe at any speed. It is "Top Heavy" and could Roll on its side at speeds Below 10 mph. Yamaha Corporation should Recall these Vehicles and Refund the customer's Full monetary Value... Thank You for taking care of this.

I confirm that the information in the attached report (including any changes, additions, or comments I have made) is accurate to the best of my knowledge and belief.

(b)(6)

Signature

Date

5-15-09

- I request that you do not release my name.
- You may release my name to the manufacturer but I request that you not release it to the general public.
- You may release my name to the manufacturer and to the public.

090508CCC1699

All relevant information contained within this document was obtained from the following sources: the victim's mother and the victim's attorney.

It should be noted that the victim's attorney in this incident is located in the state of Texas and the attorney on behalf of the victim and his family filed a lawsuit as a result of his sustained injury as part of a class action filing against the manufacturer of the 4 wheel utility vehicle. The resulting information requested by this investigator has taken a great deal of time to obtain and at best is very minimal in nature. Due to the pending law suit it was necessary that this Investigator obtain permission from the attorney in order to interview the victim (minor) and his mother and or father. The attorney ultimately indicated that she would agree to an interview with both the victim and his mother and that an onsite be conducted in her presence when a joint examination is expected within the next several months.

It should also be noted that the owner of the utility vehicle has since the incident dismissed all ties with the victim and his family. The attorney has attempted to contact the owner in order to obtain the relevant information regarding the utility vehicle on numerous occasions but they will not respond.

PRE-INCIDENT:

It should be noted that according to the victim's mother and the attorney there were no police type agencies involved in the investigation of this incident.

The victim's attorney indicated that the victim had in fact operated a utility vehicle in the past on numerous occasions and was in her words an experienced operator.

The victim in this incident is a 16 year old male operator of the 4 wheel utility style ATV who at the time of the incident had two other female passengers in the utility vehicle with him. The date of the incident was March 2, 2008 at approximately 3 pm. Weather conditions were described as being clear and dry. The male operator was not using his seat belt nor was he wearing a helmet at the time of the incident. The attorney indicated that there were two other passengers with the victim at the time of the incident. She indicated that both were 13 year old females and that one had been sitting on the other's lap when the incident had occurred. The 13 year old female sitting in the seat was the daughter of the owner of the utility vehicle and the female passenger on her lap was a friend of the family. The attorney believed that neither of the females wore helmets and neither were utilizing a seat belt.

According to the attorney the male victim and his friends were just out for a pleasure ride in a familiar area of farm type property. She stated that the male was operating the utility vehicle at a minimum rate of speed on private property she described as non roadway type dirt covered ground surface.

090508CCC1699

INCIDENT:

According to the attorney the victim was traveling on a slight uphill grade and initiated a slight right hand turn when the utility vehicle tipped over a quarter turn onto its driver's side. They stated that the vehicle unexpectedly tipped over onto its driver's side crushing the victim's left ankle which apparently came to rest pinned between the vehicle and the ground surface.

POST INCIDENT:

The attorney indicated that the owners' of the utility vehicle were summoned to the scene by the other female passengers and they assisted in lifting the vehicle to free the victim. The attorney stated that the victim was transported to a local hospital by the owners. She stated that the male sustained a crushed left ankle. His treatment included the apparent emergency room care and the subsequent care and treatment with an orthopedic specialist. The attorney stated that some nine months after the victim's initial injury it was required that he have the ankle recast. According to the attorney he apparently continues to endure pain from the injury.

The attorney provided all the relevant information contained within this document and also upon request provided a copy of the initial complaint filed by her office in the state of occurrence (WV- SEE Attachment #1). The attorney indicated that she felt it necessary for her to be present for any interviews with those involved in the incident. She also stated that other than being positive of the make and brand utility vehicle she has not been able to make contact with the owner to obtain the other necessary information regarding the vehicle. She stated that she has a joint inspection of the vehicle scheduled for sometime in the next two months and while she was in the area she indicated that it would be possible for this investigator to interview her client, the victim and his family.

The attorney stated that she believed the utility vehicle had not been retrofitted with any other parts.

The suit in general contends the following: that prior to the incident the manufacturer was aware that the product was defective and unreasonably unsafe. The unit was not stable and lacked the necessary safety features which posed the additional risk of injury in the event the vehicle tipped or rolled over. It also states that the manufacturer fraudulently concealed the defective nature of the product to consumers knowing its tendency for tip over at slow rates of speed on level ground due to its narrow wheel base.

This investigator initially contacted the victim's mother by phone in order to obtain the necessary contact information for the victim's attorney. The victim's mother was reluctant to speak with this investigator until she received permission from her attorney. The victim's mother provided a contact number for her attorney who was located in the state of Texas.

090508CCC1699

The attorney indicated that she was actually unsure of the ownership of the property in which the incident occurred but thought that it may have been close to or adjoining the property of the owner of the utility vehicle.

The attorney indicated that there were no photographs of the incident scene taken.

No further information is available.

PRODUCT IDENTIFICATION:

The attorney positively identified the product involved in this incident as a **Yamaha** Rhino 4 wheel utility type vehicle. No further information regarding the VIN, year, make and or engine size is available due to the circumstances. The utility vehicle was owned by the victim's female friend at the time of the incident.

The victim's friend's sister was riding in the vehicle at the time of the incident and neither she nor her 13 year old friend was injured. The owner has since ceased all contact with the victim and according to the attorney has made themselves unavailable to all contact attempts.

No further information is available.

EXHIBIT:

Attachment #1: Copy of filing Civil Action No. 2:09-0330 US District Court of Southern WV
(15)

Attachment #2: Contact Sheet

090508CCC1699 Attachment #1 (page 1 of 15)

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA,
CHARLESTON DIVISION

(b)(6) INDIVIDUALLY AND
AS NEXT FRIEND OF (b) a minor,

Plaintiff,

v.

YAMAHA MOTOR CORPORATION,
U.S.A.; YAMAHA MOTOR
MANUFACTURING CORPORATION OF
AMERICA; and YAMAHA MOTOR CO.,
LTD.,

Defendants.

CIVIL ACTION NO. 2:09-0330

COMPLAINT

TO THE HONORABLE UNITED STATES DISTRICT JUDGE:

COMES NOW, (b)(6) INDIVIDUALLY AND AS NEXT FRIEND OF (b)(6) a minor, complaining of Yamaha Motor Corporation, U.S.A., Yamaha Motor Manufacturing Corporation of America, and Yamaha Motor Co., Ltd., Defendants, and for cause of action would respectfully show the following:

PARTIES

1. Plaintiffs are (b)(6) an individual residing in West Virginia, and (b)(6), her minor son, also a resident of West Virginia.

2. Defendant Yamaha Motor Corporation, U.S.A. ("Yamaha U.S.A.") is a California corporation authorized to do business in the state of West Virginia, with a principal place of business at 6555 Katella Avenue, Cypress, California 90630. Yamaha U.S.A. can be served with process

through its registered agent, Prentice Hall Corporation System, Inc., 209 West Washington Street, Charleston, WV 25302.

3. Defendant Yamaha Motor Manufacturing Corporation of America (“Yamaha Manufacturing”) is a Georgia corporation with a principal place of business at 1000 Georgia Highway 34, Newman GA, 20265. Yamaha Manufacturing was doing business in the State of West Virginia at the time of the incident made the basis of this lawsuit and is currently transacting business in the State of West Virginia, but does not maintain an agent for service in said state. Service on Yamaha Manufacturing can be effectuated pursuant to West Virginia’s long-arm statute (W. VA. CODE § 56-3-33) by serving process on Secretary of State Natalie E. Tennant, West Virginia State Capitol, Room 141, 1900 Kanawha Boulevard East, Charleston, WV 25311.

4. Defendant Yamaha Motor Co., Ltd. (“Yamaha Motor”), is a Japanese business organization, the precise nature of which is not known to the Plaintiff, and said Defendant is doing business in the state of New Mexico, although not registered to do so. Said Defendant is engaged in business in this state, and may be served with process pursuant to the Hague Convention, 20 U.S.T. 361 (February 10, 1969). Pursuant thereto, service of process may be effected by serving a true and correct copy of the summons, with a copy of the complaint attached thereto, to Yamaha Motor Co., Ltd., 2500 Shingai, Iwata, Shizuoka 438-8501, Japan.

STATEMENT OF JURISDICTION AND VENUE

5. Jurisdiction is proper under 28 U.S.C.A §1332 (diversity of citizenship). The amount in controversy exceeds the jurisdictional amount of seventy-five thousand dollars (\$75,000.00), as set forth in 28 U.S.C.A. § 1332, exclusive of costs and interest. Accordingly, this court has proper jurisdiction.

6. Defendants do business within the confines of this district. Consequently, this Court has jurisdiction to preside over this matter and these Defendants.

7. Venue is proper pursuant to 28 U.S.C.A. § 1391(a) in that a substantial part of the events or omissions giving rise to the claim occurred within the boundaries of the West Virginia United State District Court, Charleston Division.

BACKGROUND FACTS and ALLEGATIONS

APPLICABLE TO ALL COUNTS

8. The Defendants, Yamaha U.S.A., Yamaha Manufacturing, and Yamaha Motor Co. Ltd. were engaged in the business of designing, manufacturing, selling and/or distributing motor vehicles throughout the United States for use by certain members of the general public. The Defendants during the relevant period of time and for valuable consideration designed, manufactured, sold, distributed and/or otherwise placed into the stream of commerce a Yamaha Rhino utility terrain vehicle (“the subject vehicle”) which seriously injured the Plaintiff.

9. On or about March 2, 2008, Plaintiff was seriously injured when the Yamaha Rhino he occupied rolled over. This event is hereinafter sometimes referred to as “the incident” or “the occurrence”.

10. As a direct and proximate result of the combined negligence and/or wanton acts of the Defendants and of the defects in the subject vehicle, Plaintiff suffered severe and permanent injuries when the subject vehicle overturned. As a consequence thereof, Plaintiff sustained physical injury.

11. But for the defects in the subject vehicle, Plaintiff would have suffered no significant injuries.

12. The negligent and/or wanton acts of all Defendants combined and concurred and proximately caused damages and serious injuries to Plaintiff.

13. Plaintiff was caused to suffer severe and disabling injuries by the Defendants, including hospital, medical, and other necessary treatments, and will require treatments and medical attention in the future. Plaintiff is permanently impaired and has suffered a great reduction in the quality of life. Plaintiff will be caused to lose wages and income in the future. Plaintiff has suffered and will continue to suffer pain and mental anguish.

14. At all times material, Defendants Yamaha U.S.A., Yamaha Manufacturing, and Yamaha Motor ("the Defendants") were the manufacturers of the subject vehicle.

15. Prior to the sale of the Rhino and the date of the occurrence, the Defendants knew or should have known of information that would reasonably support the conclusion that the Yamaha Rhino line of recreational utility vehicles ("the Yamaha Rhino") was defective and unreasonably dangerous.

16. Prior to the sale of the Rhino and the date of the occurrence, the Defendants knew or should have known of information that would reasonably support the conclusion that the Yamaha Rhino was not stable and, further, lacked necessary safety features, thus posing additional risk of injury in the event of a rollover.

17. Prior to the sale of the Rhino and the date of the occurrence, the Defendants knew or should have known that the design and manufacture of the Yamaha Rhino demonstrated a foreseeable and unreasonable risk of harm, resulting in increased likelihood of serious injuries or death.

18. At all times material to this matter, the Defendants fraudulently concealed the defective nature of the Yamaha Rhino from consumers.

19. The Yamaha Rhino was first delivered to the United States market in 2003. Since that time, it has been estimated that over 100,000 Yamaha Rhinos have been sold.

20. The Yamaha Rhino is excessively prone to roll over even at low speeds, on flat or slight grade terrain, and while conducting safe turns.

21. The Yamaha Rhino is more narrow than most vehicles in its class, being designed to fit in a pickup truck bed as a convenience to consumers. Such convenience was achieved through designing the vehicle with a narrow track width, greatly decreasing the vehicle's stability characteristics.

22. Since its introduction, the Yamaha Rhino has been involved in numerous rollover accidents, and the Defendants received reports and consumer complaints relating to the vehicle's instability and propensity to roll over.

23. Even absent such reports and complaints, the Defendants, as a leading manufacturer in the recreational utility vehicle industry, knew that design features like narrow track width would make the Yamaha Rhino more likely to roll over.

24. The Defendants also knew that when the Yamaha Rhino rolled over, its occupants were at risk of partial or complete ejection and could suffer crush injuries under the overturned vehicle.

25. The Defendants, however, continued to develop, manufacture, advertise, promote, market and sell various Yamaha Rhino models, and those efforts are ongoing to this day.

26. The Yamaha Rhino's high center of gravity, narrow track width, narrow wheels and tires, and side-by-side seating combine to make the vehicle especially prone to rolling over.

27. The Yamaha Rhino is also designed with a deficient rollover protection system (ROPS) and without safety side netting to prevent upper extremity injuries.

28. Appropriate design and testing of the Yamaha Rhino to resist rollover was technologically and economically achievable at the time the subject vehicle was designed and manufactured.

29. In September of 2006, the Defendants issued a notice to some Yamaha Rhino owners that the vehicle could roll over under certain conditions when driven aggressively or on sloping or uneven terrain. Occupants were warned that in the event of a rollover, they should not stick their arms and legs outside the vehicle. In the notice, the Defendants intentionally concealed and misrepresented material information regarding reports they had received that the Yamaha Rhino could roll over on flat terrain and without "aggressive" driving – a term that was not even defined in the notice. The notice did not include information regarding the need for safety features such as doors or handholds necessary to reduce the risk of injury to occupants' extremities during foreseeable rollovers.

30. In August of 2007, after years of notice and knowledge regarding the Yamaha Rhino having caused severe and permanent injuries because it was unreasonably dangerous and lacked necessary safety features, the Defendants finally notified owners who had registered their contact information with Yamaha that Yamaha Rhino operators had experienced rollovers, even on flat, open areas, and that some occupants had experienced injuries to their extremities. The Defendants extended a special offer to Yamaha Rhino owners for free doors and handholds. Many Yamaha Rhino owners and users never received the notice and others noted that they were unable to obtain the doors and handholds because the demand exceeded the supply and dealers had informed them that the equipment was back-ordered.

31. Neither of the notices, which were sent by the Defendants instead of redesigning or recalling the Yamaha Rhino, contained sufficient information to warn or alert consumers regarding the Yamaha Rhino's stability being any worse than competitor recreational utility vehicles, and neither warned that quarter rollovers could occur during normal, prudent use of the vehicles.

32. Yamaha Rhinos sold in France were required to be equipped with a design feature to prevent ejection of an occupant and/or an occupant's legs in a rollover event. Similar changes were not required with regard to those sold in the United States.

33. At all times material, reasonable alternative designs and testing existed and exist now within the recreational utility vehicle industry and within the knowledge and control of the Defendants that would eliminate or greatly reduce the likelihood of quarter rollover and of injuries should such an incident occur.

34. These alternative designs and testing are and were economically and technologically feasible.

35. All conditions precedent to plaintiff's right to relief for the following counts have been performed or have occurred prior to the filing of this action.

CAUSES OF ACTION AGAINST DEFENDANTS

COUNT ONE – NEGLIGENCE

36. Plaintiff herein incorporates by reference the allegations contained in the foregoing paragraphs as if set forth herein.

37. The Defendants owed a duty to the general public, and to Plaintiff in particular, to exercise reasonable care for the safety of Plaintiff.

38. It was reasonably foreseeable that Plaintiff, a foreseeable user of the subject vehicle designed, manufactured, distributed and sold by the Yamaha Defendants, could be injured in an accident such as the one involved herein if Defendants did not exercise reasonable care in the design, manufacture, distribution, marketing and sale of the subject vehicle.

39. At all times material, the Defendants breached their duty to Plaintiff in that they so carelessly and negligently designed, planned, engineered, constructed, built, inspected, tested, manufactured, assembled, advertised, marketed and sold the subject vehicle and failed to include necessary safety features that it would roll over on flat terrain at low speeds and, further, would not provide occupant protection in a foreseeable rollover such as the subject accident.

40. The Defendants were negligent in that the subject vehicle was carelessly designed, manufactured, assembled, supplied and marketed, and was provided with inadequate safety features and warnings about its defective nature, including its lack of necessary safety features to protect occupants in the event of a foreseeable rollover.

41. Defendants had a duty to warn, post sale, of the dangers the Rhino posed for rollovers and injury, and they breached this duty of post sale warning by failing to adequately inform and warn Rhino owners and users of this danger. Further, Defendants voluntarily adopted, and through their actions assumed, a duty of post sale warning and did so negligently.

42. As a direct and proximate result of the negligence of the Defendants, Plaintiff suffered the injuries and damages alleged herein.

COUNT TWO – STRICT LIABILITY

43. Plaintiff herein incorporates by reference the allegations contained in the foregoing paragraphs as if set forth herein.

44. The Defendants were engaged in the business of designing, manufacturing, testing, assembling, planning, engineering, constructing, building, inspecting, marketing, advertising, distributing and/or selling recreational utility vehicles, including the subject vehicle, to be used by the general public, including Plaintiff.

45. The subject vehicle was defectively designed, manufactured, tested, assembled, planned, engineered, constructed, built, inspected, marketed, distributed and sold.

46. Furthermore, the defective condition rendered the subject vehicle unreasonably dangerous to Plaintiff.

47. The relevant components of the subject vehicle were not changed or altered in any material respect from the time that it was manufactured and sold by the Defendants to the time and place of the accident and the subject vehicle was in substantially the same condition at the time of the accident as when it left Defendants' possession and control.

48. At the time and place of the foreseeable subject accident, and of distribution and sale by the Defendants, the subject vehicle and its component parts were defective and unreasonably dangerous.

49. The subject vehicle was excessively prone to tipping over even at low speeds, on even terrain, and while conducting safe turns because of flaws in its design, which flaws include a top heavy design resulting in a high center of gravity, a dangerously narrow track width, wheels and tires that are of an inadequate size for purposes of stability, steering geometry that facilitates tips and rolls, a heavy roll cage without safety padding, and lack of sufficient occupant protection features such as doors, leg guards, passenger handholds, and without other occupant containment and rollover protection systems.

50. At all times relevant to this complaint, the Defendants knew that members of the general public would purchase and use the Yamaha Rhino without inspection and/or discovery of the defective and unreasonably dangerous conditions.

51. The unreasonably dangerous nature of the defects as outlined above creates a high probability that the subject vehicle would roll over and, when the subject vehicle is involved in a foreseeable rollover, severe and permanent personal injuries will result.

52. The Rhino's risk of injury greatly outweighs any utility. The likely probability of injury on a Rhino, and the gravity of such an injury, exceeds any minimal cost of a safer and reasonable alternative design.

53. The Rhino is an unreasonably dangerous product, as an ordinary consumer purchasing this product, armed with ordinary knowledge of the characteristics of the Rhino, would not contemplate its dangers.

54. The Defendants knew or should have known of this risk prior to production and marketing of the subject vehicle and vehicle line. The defect in the subject vehicle was not known to Plaintiff and was not reasonably discoverable by him.

55. The defects in the subject vehicle were a direct and producing cause of Plaintiff's injuries and damages as alleged herein.

COUNT THREE – WARRANTY

56. Plaintiff herein incorporates by reference the allegations contained in the foregoing paragraphs as if set forth herein.

57. The Defendants warranted, both expressly and impliedly, through their advertisements, sales representations, and/or printed materials, that the Yamaha Rhino was of

merchantable quality and fit for the ordinary purpose for which it was sold. Such warranties and representations include, but are not limited to, advertising and/or making other affirmative statements regarding the Yamaha Rhino being a safe and stable off-road vehicle suitable for utility or recreational use by drivers of all skill levels. Plaintiff relied directly on such express and implied warranties when deciding to use the subject vehicle.

58. The subject vehicle is defective and unreasonably dangerous as designed, manufactured, assembled, distributed, marketed and sold because it is of a top heavy design, has a high center of gravity, has a dangerously narrow track width, has wheels and tires that are of an inadequate size for purposes of stability, has a steering geometry that facilitates tips and rolls, has a heavy roll cage without safety padding, and lacks sufficient occupant protection features such as doors, leg guards, passenger handholds, and other occupant containment and rollover crash safety features.

59. For the reasons listed above, the Yamaha Rhino was neither of merchantable quality nor reasonably fit to be used for the purpose for which it was intended, and therefore was conveyed to Plaintiff in a manner which constituted a breach of Defendants' express and implied warranties.

60. As a direct and proximate result of the conduct of Defendants, Plaintiff was injured and damaged as alleged herein.

COUNT FOUR – FRAUD, CONCEALMENT AND MISREPRESENTATION

61. Plaintiff herein incorporates by reference the allegations contained in the foregoing paragraphs as if set forth herein.

62. The Defendants represented to the public, including Plaintiff, that the subject vehicle was safe, stable and suitable for off-road use. Defendants' misrepresentations included advertising and/or making other affirmative statements that the subject vehicle was a safe and stable off-road

vehicle suitable for utility or recreational use by drivers of all skill levels and, additionally, representing that an occupant's conscious decision to keep his or her extremities in the vehicle was proper rather than expressing the necessity for occupant containment safety features such as doors.

63. The Defendants concealed from Plaintiff their knowledge of the unreasonably dangerous nature of the Yamaha Rhino and the numerous reports of injuries it had caused. Defendants' concealments to Plaintiff include, but are not limited to, concealing pre- and post-market knowledge of the vehicle's dangerous instability as evidenced by Defendants' own testing as well as numerous consumer complaints of rollover on flat terrain; concealing that safety features such as doors were necessary to reduce the risk of ejection and injury in foreseeable rollovers; and concealing information that the Yamaha Rhino had caused injury to drivers and passengers even at slow speeds on flat, even terrain.

64. The Defendants knew that their representations to Plaintiff were false. At the time Defendants misrepresented the vehicle's safety, stability and/or fitness to Plaintiff, Defendants held contrary knowledge, including, but not limited to, pre- and post-market knowledge of the Yamaha Rhino's dangerous instability; knowledge that it lacked safety features necessary to prevent ejection and provide containment; and knowledge of information that the vehicle had caused severe injury to drivers and occupants even at slow speeds on flat, even terrain.

65. The Defendants represented in September of 2006 that injuries from Rhino rollovers could occur on slopes, uneven terrain and turning too fast or sharp, while at that time Defendants had information that demonstrated rollovers with lower leg injuries and other injuries occurred on flat, even terrain at relatively slow speeds. Defendants' representations were intended to and did place an unreasonable and impossible burden on the operators of Rhinos to discover the hidden connection between the defects and injuries.

66. Plaintiff relied on the Defendants' representations regarding its fitness in using the subject vehicle. Such representations, upon Plaintiff's injuries, deterred Plaintiff from discovering that the vehicle's defects and/or lack of safety features were the proximate cause of the injuries.

67. By relying on these representations, Plaintiff unknowingly used a defective product because she was not informed of adverse safety information, necessity and importance of safety and occupant containment features, and consumer information regarding drivers involved in rollovers at low speed on flat, even terrain. Plaintiff's injuries and damages alleged herein resulted from her reliance on Defendants' misrepresentations and failure to properly inform.

COUNT FIVE – ACTUAL DAMAGES

68. Plaintiff herein incorporates by reference the allegations contained in the foregoing paragraphs as if set forth herein.

69. As a proximate result of the actions and conduct of the Defendants set forth above, Plaintiff incurred substantial medical costs and suffered emotional injuries, physical impairment, disfigurement, pain, discomfort, suffering, disability, anxiety, lost wages, and all other elements of actual damages recognized by or under applicable laws. By reason of those injuries and the damages flowing in law therefrom, this suit is maintained.

COUNT SIX – PUNITIVE OR EXEMPLARY DAMAGES

70. Plaintiff herein incorporates by reference the allegations contained in the foregoing paragraphs as if set forth herein.

71. At and after the time of manufacture and sale of the subject vehicle, and prior to the rollover on the date of the occurrence, which forms the basis of this action, Defendants knew or should have known that the subject vehicle was defective and would subject Plaintiff and other consumers and users to an unreasonable risk of loss and great bodily harm.

72. In designing, engineering, manufacturing, testing, inspecting, marketing, distributing and selling the defect Yamaha Rhino vehicle, Defendants acted in a malicious, fraudulent, wanton, willful and reckless manner, evincing such an entire want of care as to raise the presumption of a conscious indifference to the consequences.

73. In refusing and/or failing to warn the users, including Plaintiff, and consumers of such unreasonable risks, and in refusing to recall the Yamaha Rhino vehicle despite the knowledge Defendants had or should have had of the defects enumerated above, Defendants acted in a malicious, wanton, willful, fraudulent and reckless manner evincing such an entire want of care as to raise the presumption of a conscious indifference to the consequences.

74. The conduct of Defendants is so aggravating as to warrant, justify and require the imposition of punitive or exemplary damages pursuant to law.

PRAYER FOR RELIEF AND DAMAGES

WHEREFORE, Plaintiff prays for the following relief:

- a. that Plaintiff have a trial by jury;
- b. that Plaintiff has and recovers from Defendants, jointly and severally, compensatory and special damages for all injuries and damages in an amount as determined by the enlightened conscience of a fair and impartial jury;
- c. that Plaintiff recover punitive damages from the Defendants in amounts as determined by the enlightened conscience of a fair and impartial jury;
- d. that Plaintiff be awarded all costs;
- e. that Plaintiff has such other and further relief as this Court deems just and proper.

090508CCC1699

Attachment #1

(page 15 of 15)

PLAINTIFF DEMANDS A JURY TRIAL.

Respectfully submitted,



James A. McKowen, WV Bar No. 2481
JAMES F. HUMPHREYS & ASSOCIATES, L.C.
United Center, Suite 800
500 Virginia Street, East
Charleston, WV 25301
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Robert E. Ammons, TX Bar No. 01159820
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3700 Montrose Boulevard
Houston, Texas 77006
Telephone: (713) 523-1606

ATTORNEYS FOR PLAINTIFF

090508CCC1699

Contact Sheet

Attachment #2

The following individual(s) and or agency(s) were contacted in an attempt to obtain all the relevant information pertaining to this incident.

The victim's mother: (b)(6)

The Attorney: Darcy M. Douglas of the Ammons Law Firm Houston Texas

05/11/02, 05/15/09, 05/18/09, 05/28/09, 06/10/09, 06/15/09, 06/22/09, 07/01/09, 07/06/09, 07/08/09 & 07/13/09.

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NEWS

Teresa Urban, Lenore, WV 304-475-3265

Yamaha faces two suits over Rhino rollovers

4/24/2009 7:55 AM

By Kelly Holleran - Kanawha Bureau

CHARLESTON - Two West Virginia residents have filed separate suits against a prominent ATV manufacturer, alleging they were injured after their four-wheelers flipped.

Teresa Urban, on behalf of her minor son identified only as B.U., and Erik Morris filed federal suits against Yamaha.

Urban says her son was seriously injured when the Yamaha Rhino on which he was riding on March 2, 2008, rolled over.

Likewise, Morris says he was seriously injured when the Yamaha Rhino on which he was riding on May 28, 2007, rolled over.

They say the incidents occurred because the Yamaha Rhino was not stable and lacked necessary safety features, such as doors.

"The Yamaha Rhino is more narrow than most vehicles in its class, being designed to fit in a pickup truck bed as a convenience to consumers," the suit states. "Such convenience was achieved through designing the vehicle with a narrow track width, greatly decreasing the vehicle's stability characteristics."

In fact, since the Yamaha Rhino was introduced to the United States market in 2003, it has been involved in numerous rollover accidents, Urban and Morris claim.

"The Yamaha Rhino's high center of gravity, narrow track width, narrow wheels and tires, and side-by-side seating combine to make the vehicle especially prone to rolling over," the suit states.

The Rhino was designed with a deficient rollover protection system and without safety side netting, even though such technology was available at the time the vehicle was manufactured, according to the complaint.

Yamaha was aware of the Rhino's propensity to roll over as evidenced by a notice it sent to some Rhino owners in September 2006, Morris and Urban say. The notice warned the vehicle could roll over when driven aggressively or on sloping terrain. It also cautioned owners that in the event of a rollover, they should not stick their arms and legs outside the vehicle, according to the complaint.

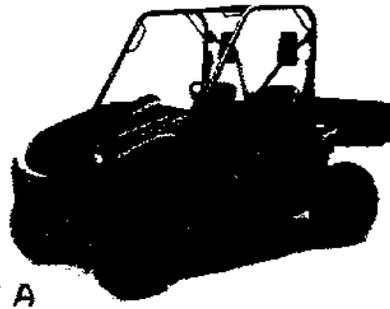
In August 2007, Yamaha Rhino notified owners who registered their contact information with the company that Rhino operators had experienced rollovers, even on flat surfaces. It extended an offer for free doors and handholds. However, many Rhino owners never received the notice. Those that did had a problem obtaining the equipment because the demand exceeded the supply, the suit states.

The Yamaha Rhino is a dangerous product, even on flat surfaces, Morris and Urban say.

"The Rhino's risk of injury greatly outweighs any utility," they wrote in their complaint. "The likely probability of injury on a Rhino, and the gravity of such an injury, exceeds any minimal cost of a safer and reasonable alternative design."

Because of B.U.'s and Morris' rollover incidents, they say they incurred medical costs, were permanently impaired and suffered a great reduction in their quality of life. They also lost wages and suffered pain and mental anguish, according to the complaint.

In the six-count suit, Urban and Morris are seeking unspecified compensatory, special and



A

B

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1. Task Number 090508CCC1700		2. Investigator's ID 9075		EPIDEMIOLOGIC INVESTIGATION REPORT
3. Office Code 810	4. Date of Accident YR MO DAY 2007 05 28	5. Date Initiated YR MO DAY 2009 05 11		
6. Synopsis of Accident or Complaint UPC unknown A 17 year old passenger of a 4 wheel utility type ATV suffered a broken right tibia when the utility vehicle tipped over crushing his leg between the vehicle and ground surface. The elderly operator had just initiated a left turn while traveling at a moderate rate of speed on a level muddy surface. Neither the operator or injured passenger were wearing seat belts or helmets. The passenger was hospitalized for days.				
MER/PRVLR NOTIFIED COMMENTS: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> OVERRULED; <input type="checkbox"/> ATTACHED <input checked="" type="checkbox"/> EXCISIONS/FOIA EXS. 3, 25, 6 <input checked="" type="checkbox"/> DO NOT RE-NOTIFY <input type="checkbox"/> RE-NOTIFY				
7. Location (Home, School, etc) 2 - FARM		8. City CLAY		9. State WV
10A. First Product 5044 - Utility Vehicles		10B. Trade/Brand Name YAMAHA		10C. Model Number RHINO-UTILITY
10D. Manufacturer Name and Address YAMAHA CORP. OF AMERICA INTERNATIONAL 660 Orangethorpe Ave. Buena Park, CA 90622				
11A. Second Product 0		11B. Trade/Brand Name NONE		11C. Model Number NONE
11D. Manufacturer Name and Address NONE				
12. Age of Victim 17	13. Sex 1 - Male	14. Disposition 4 - Hospitalized	15. Injury Diagnosis 54 - Crushing	
16. Body Part(s) Involved 36 - LOWER LEG	17. Respondent 3 - 2nd Hand Info Only	18. Type of Investigation 2 - Telephone	19. Time Spent (Operational / Travel) 16 / 0	
20. Attachment(s) 2 - Documents		21. Case Source 05 - Newspaper		22. Sample Collection Number
23. Permission to Disclose Name (Non NEISS Cases Only) <input type="radio"/> Yes <input checked="" type="radio"/> No <input type="radio"/> Verbal <input type="radio"/> Yes for Manuf. Only				
24. Review Date 07/16/2009	25. Reviewed By 9071		26. Regional Office Director Dennis R. Blasius	
27. Distribution Topka, Tanya			28. Source Document Number X0950040B	

090508CCC1700

All relevant information contained within this document was obtained from the following source: the victim's attorney.

It should be noted that the victim's attorney in this incident is located in the state of Texas and the lawsuit is part of a class action filing against the manufacturer. As a result the information requested has taken a great deal of time to obtain and at best is very minimal in nature. Due to the pending suit it was necessary that this Investigator obtain permission from the attorney in order to interview all parties involved. It should be noted that according to his attorney the victim in this incident is currently serving in the armed forces and is stationed in Iraq.

The victim's attorney requested that the victim and or his family members due to the circumstances be interviewed in her presence during a joint examination of the utility vehicle which is expected in the next several months.

PRE-INCIDENT:

It should be noted that according to the attorney there were no police type agencies involved in the investigation of this incident.

The product identified in this incident is a 2006 4 wheel ATV type utility vehicle that is equipped with a 660cc engine.

The victim at the time of this incident was a 17 year old male passenger of the 4 wheel utility style ATV who at the time of the incident was being driven by his great uncle. Neither the male operator nor passenger was using his seat belt nor was either wearing a helmet at the time of the incident. According to the attorney the victim and his relative were out recreational riding the utility vehicle on familiar private property when the incident had occurred. The operator was experienced and was in fact the owner of the utility vehicle.

The area was described as being a wooded area which was a combination of grass and mud.

The attorney indicated that it had apparently rained prior to the incident and the exposed ground cover was in a muddy state. On the afternoon of 05/28/07 the elderly adult operator and his nephew had been riding on trail type terrain and while traveling at a moderate and reasonable rate of speed on a flat surface initiated a left hand turn.

INCIDENT:

The vehicle, upon initiating the turn, tipped over on its right passenger side and the victim's right leg extended to the outside of the vehicle and was crushed between the vehicle and the ground surface.

090508CCC1700

POST-INCIDENT:

The vehicle was lifted from the victim's leg and he was transported to the hospital by family members. According to the attorney the victim suffered a broken right tibia, a six inch laceration requiring numerous stitches and bracing. The victim spent two nights at the hospital for treatment of his injuries sustained in the incident.

The attorney provided all the relevant information contained within this document and also upon request provided a copy of the initial complaint filed by her office in the state of occurrence (WV-SEE Attachment #1). The attorney indicated that she felt it necessary for her to be present for any interviews with those involved in the incident relevant to the suit. She said that she has a joint inspection of the vehicle scheduled for within the next two months and indicated that while she was in the area it would be possible for this investigator to conduct the necessary interviews in her presence. The male victim may or may not have returned from Iraq at that time.

The attorney stated that at the time of the incident it was her understanding that the utility vehicle had not been retrofitted with any other parts. She stated that the vehicle did not have the doors but since the incident it may have been retrofitted with the doors and or the wider wheel base but she could not confirm that, one way or the other.

The suit in general contends the following: that prior to the incident the manufacturer was aware that the product was defective and unreasonably unsafe. The unit was not stable and lacked the necessary safety features which posed the additional risk of injury in the event the vehicle tipped or rolled over. It also states that the manufacturer fraudulently concealed the defective nature of the product to consumers knowing its tendency for tip over at slow rates of speed on level ground due to its narrow wheel base.

This investigator was able to locate the victim's attorney who is also representing another client in the same class action suit against the same manufacturer in which an IDI (090508CCC1699) was conducted by this investigator.

The attorney was unsure of the ownership of the property in which the incident occurred. The attorney also indicated that there were no photographs of the vehicle or incident scene available.

The attorney could not provide any information as to the purchase price or the person or place in which the vehicle had been purchased from. There was no available information regarding the prior maintenance performed on the vehicle.

No further information available.

090508CCC1700

PRODUCT IDENTIFICATION:

The attorney positively identified the product involved in this incident as 2006 **YAMAHA** Rhino 660cc 4 wheel utility type vehicle displaying a VIN 5YAMO6YXA016609.

No further vehicle information is available at this time.

EXHIBIT:

Attachment #1: Copy of filing Civil Action No. 2:09-CV99999 in US District Court of Southern WV

(16)

Attachment #2: Contact Sheet

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provide by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

090508CCC1700 Attachment #1
(Page 1 of 16)

(b) County of Residence of First Listed Plaintiff Nicholas, WV
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address and Telephone Number)
James A. McKowen, James F. Humphreys & Associates, L.C.
500 Virginia St., East, Suite 800, Charleston, WV 25301
(304-347-5050)

DEFENDANTS

County of Residence of First Listed Defendant Japan
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff
- 2 U.S. Government Defendant
- 3 Federal Question (U.S. Government Not a Party)
- 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | | | | | |
|---|---------------------------------------|---------------------------------------|---|----------------------------|---------------------------------------|
| | PTF | DEF | | PTF | DEF |
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input checked="" type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input checked="" type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONSUMER CASES	PERSONAL INJURY	PERSONAL INJURY	FORFEITURE/PENALTIES	LABOR/EMPLOYMENT	OTHER SUIT TYPES
<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 362 Personal Injury - Med. Malpractice	<input type="checkbox"/> 510 Agriculture	<input type="checkbox"/> 610 Fair Labor Standards Act	<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 365 Personal Injury - Product Liability	<input type="checkbox"/> 520 Other Food & Drug	<input type="checkbox"/> 720 Labor/Mgmt. Relations	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 568 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 525 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act	<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 330 Federal Employers' Liability	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 435 Liquor Laws	<input type="checkbox"/> 740 Railway Labor Act	<input type="checkbox"/> 450 Commerce
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 440 R.R. & Truck	<input type="checkbox"/> 750 Other Labor Litigation	<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 450 Airline Regs.	<input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans)	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 460 Occupational Safety/Health		<input type="checkbox"/> 480 Consumer Credit
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input checked="" type="checkbox"/> 355 Motor Vehicle Product Liability		<input type="checkbox"/> 462 Other		<input type="checkbox"/> 490 Cable/Sat TV
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 360 Other Personal Injury		<input type="checkbox"/> 692 Other		<input type="checkbox"/> 810 Selective Service
<input type="checkbox"/> 190 Other Contract					<input type="checkbox"/> 850 Securities/Commodities Exchange
<input type="checkbox"/> 195 Contract Product Liability					<input type="checkbox"/> 875 Customer Challenge 12 USC 5410
<input type="checkbox"/> 196 Franchise					<input type="checkbox"/> 890 Other Statutory Actions
					<input type="checkbox"/> 891 Agricultural Acts
					<input type="checkbox"/> 892 Economic Stabilization Act
					<input type="checkbox"/> 893 Environmental Matters
					<input type="checkbox"/> 894 Energy Allocation Act
					<input type="checkbox"/> 895 Freedom of Information Act
					<input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice
					<input type="checkbox"/> 950 Constitutionality of State Statutes

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding
- 2 Removed from State Court
- 3 Remanded from Appellate Court
- 4 Reinstated or Reopened
- 5 Transferred from another district (specify)
- 6 Multidistrict Litigation
- 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

28 U.S.C. Section 1332

Brief description of cause:

Personal injury involving Yamaha Rhino

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER P.R.C.P. 23 DEMAND'S Greater than \$75,000

CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions)

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

3/30/09

James A. McKowen

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING FSP JUDGE MAG. JUDGE

3. Defendant Yamaha Motor Manufacturing Corporation of America (“Yamaha Manufacturing”) is a Georgia corporation with a principal place of business at 1000 Georgia Highway 34, Newman GA, 20265. Yamaha Manufacturing was doing business in the State of West Virginia at the time of the incident made the basis of this lawsuit and is currently transacting business in the State of West Virginia, but does not maintain an agent for service in said state. Service on Yamaha Manufacturing can be effectuated pursuant to West Virginia’s long-arm statute (W. VA. CODE § 56-3-33) by serving process on Secretary of State Natalic E. Tennant, West Virginia State Capitol, Room 141, 1900 Kanawha Boulevard East, Charleston, WV 25311.

4. Defendant Yamaha Motor Co., Ltd. (“Yamaha Motor”), is a Japanese business organization, the precise nature of which is not known to the Plaintiff, and said Defendant is doing business in the state of New Mexico, although not registered to do so. Said Defendant is engaged in business in this state, and may be served with process pursuant to the Hague Convention, 20 U.S.T. 361 (February 10, 1969). Pursuant thereto, service of process may be effected by serving a true and correct copy of the summons, with a copy of the complaint attached thereto, to Yamaha Motor Co., Ltd., 2500 Shingai, Iwata, Shizuoka 438-8501, Japan.

STATEMENT OF JURISDICTION AND VENUE

5. Jurisdiction is proper under 28 U.S.C.A §1332 (diversity of citizenship). The amount in controversy exceeds the jurisdictional amount of seventy-five thousand dollars (\$75,000.00), as set forth in 28 U.S.C.A. § 1332, exclusive of costs and interest. Accordingly, this court has proper jurisdiction.

6. Defendants do business within the confines of this district. Consequently, this Court has jurisdiction to preside over this matter and these Defendants.

7. Venue is proper pursuant to 28 U.S.C.A. § 1391(a) in that a substantial part of the events or omissions giving rise to the claim occurred within the boundaries of the West Virginia United State District Court, Charleston Division.

BACKGROUND FACTS and ALLEGATIONS

APPLICABLE TO ALL COUNTS

8. The Defendants, Yamaha U.S.A., Yamaha Manufacturing, and Yamaha Motor Co. Ltd. were engaged in the business of designing, manufacturing, selling and/or distributing motor vehicles throughout the United States for use by certain members of the general public. The Defendants during the relevant period of time and for valuable consideration designed, manufactured, sold, distributed and/or otherwise placed into the stream of commerce a Yamaha Rhino utility terrain vehicle (“the subject vehicle”) which seriously injured the Plaintiff.

9. On or about May 28, 2007, Plaintiff was seriously injured when the Yamaha Rhino he occupied rolled over. This event is hereinafter sometimes referred to as “the incident” or “the occurrence”.

10. As a direct and proximate result of the combined negligence and/or wanton acts of the Defendants and of the defects in the subject vehicle, Plaintiff suffered severe and permanent injuries when the subject vehicle overturned. As a consequence thereof, Plaintiff sustained physical injury.

11. But for the defects in the subject vehicle, Plaintiff would have suffered no significant injuries.

12. The negligent and/or wanton acts of all Defendants combined and concurred and proximately caused damages and serious injuries to Plaintiff.

13. Plaintiff was caused to suffer severe and disabling injuries by the Defendants, including hospital, medical, and other necessary treatments, and will require treatments and medical attention in the future. Plaintiff is permanently impaired and has suffered a great reduction in the quality of life. Plaintiff will be caused to lose wages and income in the future. Plaintiff has suffered and will continue to suffer pain and mental anguish.

14. At all times material, Defendants Yamaha U.S.A., Yamaha Manufacturing, and Yamaha Motor (“the Defendants”) were the manufacturers of the subject vehicle.

15. Prior to the sale of the Rhino and the date of the occurrence, the Defendants knew or should have known of information that would reasonably support the conclusion that the Yamaha Rhino line of recreational utility vehicles (“the Yamaha Rhino”) was defective and unreasonably dangerous.

16. Prior to the sale of the Rhino and the date of the occurrence, the Defendants knew or should have known of information that would reasonably support the conclusion that the Yamaha Rhino was not stable and, further, lacked necessary safety features, thus posing additional risk of injury in the event of a rollover.

17. Prior to the sale of the Rhino and the date of the occurrence, the Defendants knew or should have known that the design and manufacture of the Yamaha Rhino demonstrated a foreseeable and unreasonable risk of harm, resulting in increased likelihood of serious injuries or death.

18. At all times material to this matter, the Defendants fraudulently concealed the defective nature of the Yamaha Rhino from consumers.

19. The Yamaha Rhino was first delivered to the United States market in 2003. Since that time, it has been estimated that over 100,000 Yamaha Rhinos have been sold.

20. The Yamaha Rhino is excessively prone to roll over even at low speeds, on flat or slight grade terrain, and while conducting safe turns.

21. The Yamaha Rhino is more narrow than most vehicles in its class, being designed to fit in a pickup truck bed as a convenience to consumers. Such convenience was achieved through designing the vehicle with a narrow track width, greatly decreasing the vehicle's stability characteristics.

22. Since its introduction, the Yamaha Rhino has been involved in numerous rollover accidents, and the Defendants received reports and consumer complaints relating to the vehicle's instability and propensity to roll over.

23. Even absent such reports and complaints, the Defendants, as a leading manufacturer in the recreational utility vehicle industry, knew that design features like narrow track width would make the Yamaha Rhino more likely to roll over.

24. The Defendants also knew that when the Yamaha Rhino rolled over, its occupants were at risk of partial or complete ejection and could suffer crush injuries under the overturned vehicle.

25. The Defendants, however, continued to develop, manufacture, advertise, promote, market and sell various Yamaha Rhino models, and those efforts are ongoing to this day.

26. The Yamaha Rhino's high center of gravity, narrow track width, narrow wheels and tires, and side-by-side seating combine to make the vehicle especially prone to rolling over.

27. The Yamaha Rhino is also designed with a deficient rollover protection system (ROPS) and without safety side netting to prevent upper extremity injuries.

28. Appropriate design and testing of the Yamaha Rhino to resist rollover was technologically and economically achievable at the time the subject vehicle was designed and manufactured.

29. In September of 2006, the Defendants issued a notice to some Yamaha Rhino owners that the vehicle could roll over under certain conditions when driven aggressively or on sloping or uneven terrain. Occupants were warned that in the event of a rollover, they should not stick their arms and legs outside the vehicle. In the notice, the Defendants intentionally concealed and misrepresented material information regarding reports they had received that the Yamaha Rhino could roll over on flat terrain and without “aggressive” driving – a term that was not even defined in the notice. The notice did not include information regarding the need for safety features such as doors or handholds necessary to reduce the risk of injury to occupants’ extremities during foreseeable rollovers.

30. In August of 2007, after years of notice and knowledge regarding the Yamaha Rhino having caused severe and permanent injuries because it was unreasonably dangerous and lacked necessary safety features, the Defendants finally notified owners who had registered their contact information with Yamaha that Yamaha Rhino operators had experienced rollovers, even on flat, open areas, and that some occupants had experienced injuries to their extremities. The Defendants extended a special offer to Yamaha Rhino owners for free doors and handholds. Many Yamaha Rhino owners and users never received the notice and others noted that they were unable to obtain the doors and handholds because the demand exceeded the supply and dealers had informed them that the equipment was back-ordered.

31. Neither of the notices, which were sent by the Defendants instead of redesigning or recalling the Yamaha Rhino, contained sufficient information to warn or alert consumers regarding the Yamaha Rhino's stability being any worse than competitor recreational utility vehicles, and neither warned that quarter rollovers could occur during normal, prudent use of the vehicles.

32. Yamaha Rhinos sold in France were required to be equipped with a design feature to prevent ejection of an occupant and/or an occupant's legs in a rollover event. Similar changes were not required with regard to those sold in the United States.

33. At all times material, reasonable alternative designs and testing existed and exist now within the recreational utility vehicle industry and within the knowledge and control of the Defendants that would eliminate or greatly reduce the likelihood of quarter rollover and of injuries should such an incident occur.

34. These alternative designs and testing are and were economically and technologically feasible.

35. All conditions precedent to plaintiff's right to relief for the following counts have been performed or have occurred prior to the filing of this action.

CAUSES OF ACTION AGAINST DEFENDANTS

COUNT ONE – NEGLIGENCE

36. Plaintiff herein incorporates by reference the allegations contained in the foregoing paragraphs as if set forth herein.

37. The Defendants owed a duty to the general public, and to Plaintiff in particular, to exercise reasonable care for the safety of Plaintiff.

38. It was reasonably foreseeable that Plaintiff, a foreseeable user of the subject vehicle designed, manufactured, distributed and sold by the Yamaha Defendants, could be injured in an accident such as the one involved herein if Defendants did not exercise reasonable care in the design, manufacture, distribution, marketing and sale of the subject vehicle.

39. At all times material, the Defendants breached their duty to Plaintiff in that they so carelessly and negligently designed, planned, engineered, constructed, built, inspected, tested, manufactured, assembled, advertised, marketed and sold the subject vehicle and failed to include necessary safety features that it would roll over on flat terrain at low speeds and, further, would not provide occupant protection in a foreseeable rollover such as the subject accident.

40. The Defendants were negligent in that the subject vehicle was carelessly designed, manufactured, assembled, supplied and marketed, and was provided with inadequate safety features and warnings about its defective nature, including its lack of necessary safety features to protect occupants in the event of a foreseeable rollover.

41. Defendants had a duty to warn, post sale, of the dangers the Rhino posed for rollovers and injury, and they breached this duty of post sale warning by failing to adequately inform and warn Rhino owners and users of this danger. Further, Defendants voluntarily adopted, and through their actions assumed, a duty of post sale warning and did so negligently.

42. As a direct and proximate result of the negligence of the Defendants, Plaintiff suffered the injuries and damages alleged herein.

COUNT TWO – STRICT LIABILITY

43. Plaintiff herein incorporates by reference the allegations contained in the foregoing paragraphs as if set forth herein.

44. The Defendants were engaged in the business of designing, manufacturing, testing, assembling, planning, engineering, constructing, building, inspecting, marketing, advertising, distributing and/or selling recreational utility vehicles, including the subject vehicle, to be used by the general public, including Plaintiff.

45. The subject vehicle was defectively designed, manufactured, tested, assembled, planned, engineered, constructed, built, inspected, marketed, distributed and sold.

46. Furthermore, the defective condition rendered the subject vehicle unreasonably dangerous to Plaintiff.

47. The relevant components of the subject vehicle were not changed or altered in any material respect from the time that it was manufactured and sold by the Defendants to the time and place of the accident and the subject vehicle was in substantially the same condition at the time of the accident as when it left Defendants' possession and control.

48. At the time and place of the foreseeable subject accident, and of distribution and sale by the Defendants, the subject vehicle and its component parts were defective and unreasonably dangerous.

49. The subject vehicle was excessively prone to tipping over even at low speeds, on even terrain, and while conducting safe turns because of flaws in its design, which flaws include a top heavy design resulting in a high center of gravity, a dangerously narrow track width, wheels and tires that are of an inadequate size for purposes of stability, steering geometry that facilitates tips and rolls, a heavy roll cage without safety padding, and lack of sufficient occupant protection features such as doors, leg guards, passenger handholds, and without other occupant containment and rollover protection systems.

50. At all times relevant to this complaint, the Defendants knew that members of the general public would purchase and use the Yamaha Rhino without inspection and/or discovery of the defective and unreasonably dangerous conditions.

51. The unreasonably dangerous nature of the defects as outlined above creates a high probability that the subject vehicle would roll over and, when the subject vehicle is involved in a foreseeable rollover, severe and permanent personal injuries will result.

52. The Rhino's risk of injury greatly outweighs any utility. The likely probability of injury on a Rhino, and the gravity of such an injury, exceeds any minimal cost of a safer and reasonable alternative design.

53. The Rhino is an unreasonably dangerous product, as an ordinary consumer purchasing this product, armed with ordinary knowledge of the characteristics of the Rhino, would not contemplate its dangers.

54. The Defendants knew or should have known of this risk prior to production and marketing of the subject vehicle and vehicle line. The defect in the subject vehicle was not known to Plaintiff and was not reasonably discoverable by him.

55. The defects in the subject vehicle were a direct and producing cause of Plaintiff's injuries and damages as alleged herein.

COUNT THREE – WARRANTY

56. Plaintiff herein incorporates by reference the allegations contained in the foregoing paragraphs as if set forth herein.

57. The Defendants warranted, both expressly and impliedly, through their advertisements, sales representations, and/or printed materials, that the Yamaha Rhino was of

merchantable quality and fit for the ordinary purpose for which it was sold. Such warranties and representations include, but are not limited to, advertising and/or making other affirmative statements regarding the Yamaha Rhino being a safe and stable off-road vehicle suitable for utility or recreational use by drivers of all skill levels. Plaintiff relied directly on such express and implied warranties when deciding to use the subject vehicle.

58. The subject vehicle is defective and unreasonably dangerous as designed, manufactured, assembled, distributed, marketed and sold because it is of a top heavy design, has a high center of gravity, has a dangerously narrow track width, has wheels and tires that are of an inadequate size for purposes of stability, has a steering geometry that facilitates tips and rolls, has a heavy roll cage without safety padding, and lacks sufficient occupant protection features such as doors, leg guards, passenger handholds, and other occupant containment and rollover crash safety features.

59. For the reasons listed above, the Yamaha Rhino was neither of merchantable quality nor reasonably fit to be used for the purpose for which it was intended, and therefore was conveyed to Plaintiff in a manner which constituted a breach of Defendants' express and implied warranties.

60. As a direct and proximate result of the conduct of Defendants, Plaintiff was injured and damaged as alleged herein.

COUNT FOUR – FRAUD, CONCEALMENT AND MISREPRESENTATION

61. Plaintiff herein incorporates by reference the allegations contained in the foregoing paragraphs as if set forth herein.

62. The Defendants represented to the public, including Plaintiff, that the subject vehicle was safe, stable and suitable for off-road use. Defendants' misrepresentations included advertising

and/or making other affirmative statements that the subject vehicle was a safe and stable off-road vehicle suitable for utility or recreational use by drivers of all skill levels and, additionally, representing that an occupant's conscious decision to keep his or her extremities in the vehicle was proper rather than expressing the necessity for occupant containment safety features such as doors.

63. The Defendants concealed from Plaintiff their knowledge of the unreasonably dangerous nature of the Yamaha Rhino and the numerous reports of injuries it had caused. Defendants' concealments to Plaintiff include, but are not limited to, concealing pre- and post-market knowledge of the vehicle's dangerous instability as evidenced by Defendants' own testing as well as numerous consumer complaints of rollover on flat terrain; concealing that safety features such as doors were necessary to reduce the risk of ejection and injury in foreseeable rollovers; and concealing information that the Yamaha Rhino had caused injury to drivers and passengers even at slow speeds on flat, even terrain.

64. The Defendants knew that their representations to Plaintiff were false. At the time Defendants misrepresented the vehicle's safety, stability and/or fitness to Plaintiff, Defendants held contrary knowledge, including, but not limited to, pre- and post-market knowledge of the Yamaha Rhino's dangerous instability; knowledge that it lacked safety features necessary to prevent ejection and provide containment; and knowledge of information that the vehicle had caused severe injury to drivers and occupants even at slow speeds on flat, even terrain.

65. The Defendants represented in September of 2006 that injuries from Rhino rollovers could occur on slopes, uneven terrain and turning too fast or sharp, while at that time Defendants had information that demonstrated rollovers with lower leg injuries and other injuries occurred on flat, even terrain at relatively slow speeds. Defendants' representations were intended to and did place

an unreasonable and impossible burden on the operators of Rhinos to discover the hidden connection between the defects and injuries.

66. Plaintiff relied on the Defendants' representations regarding its fitness in using the subject vehicle. Such representations, upon Plaintiff's injuries, deterred Plaintiff from discovering that the vehicle's defects and/or lack of safety features were the proximate cause of the injuries.

67. By relying on these representations, Plaintiff unknowingly used a defective product because she was not informed of adverse safety information, necessity and importance of safety and occupant containment features, and consumer information regarding drivers involved in rollovers at low speed on flat, even terrain. Plaintiff's injuries and damages alleged herein resulted from her reliance on Defendants' misrepresentations and failure to properly inform.

COUNT FIVE – ACTUAL DAMAGES

68. Plaintiff herein incorporates by reference the allegations contained in the foregoing paragraphs as if set forth herein.

69. As a proximate result of the actions and conduct of the Defendants set forth above, Plaintiff incurred substantial medical costs and suffered emotional injuries, physical impairment, disfigurement, pain, discomfort, suffering, disability, anxiety, lost wages, and all other elements of actual damages recognized by or under applicable laws. By reason of those injuries and the damages flowing in law therefrom, this suit is maintained.

COUNT SIX – PUNITIVE OR EXEMPLARY DAMAGES

70. Plaintiff herein incorporates by reference the allegations contained in the foregoing paragraphs as if set forth herein.

71. At and after the time of manufacture and sale of the subject vehicle, and prior to the rollover on the date of the occurrence, which forms the basis of this action, Defendants knew or

should have known that the subject vehicle was defective and would subject Plaintiff and other consumers and users to an unreasonable risk of loss and great bodily harm.

72. In designing, engineering, manufacturing, testing, inspecting, marketing, distributing and selling the defect Yamaha Rhino vehicle, Defendants acted in a malicious, fraudulent, wanton, willful and reckless manner, evincing such an entire want of care as to raise the presumption of a conscious indifference to the consequences.

73. In refusing and/or failing to warn the users, including Plaintiff, and consumers of such unreasonable risks, and in refusing to recall the Yamaha Rhino vehicle despite the knowledge Defendants had or should have had of the defects enumerated above, Defendants acted in a malicious, wanton, willful, fraudulent and reckless manner evincing such an entire want of care as to raise the presumption of a conscious indifference to the consequences.

74. The conduct of Defendants is so aggravating as to warrant, justify and require the imposition of punitive or exemplary damages pursuant to law.

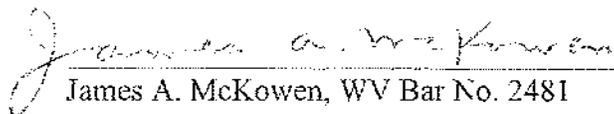
PRAYER FOR RELIEF AND DAMAGES

WHEREFORE, Plaintiff prays for the following relief:

- a. that Plaintiff have a trial by jury;
- b. that Plaintiff has and recovers from Defendants, jointly and severally, compensatory and special damages for all injuries and damages in an amount as determined by the enlightened conscience of a fair and impartial jury;
- c. that Plaintiff recover punitive damages from the Defendants in amounts as determined by the enlightened conscience of a fair and impartial jury;
- d. that Plaintiff be awarded all costs;
- e. that Plaintiff has such other and further relief as this Court deems just and proper.

PLAINTIFF DEMANDS A JURY TRIAL.

Respectfully submitted,
090508CCC1700
Attachment #1
(Page 16 of 16)



James A. McKowen, WV Bar No. 2481
James F. Humphreys & Associates, L.C.
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500 Virginia Street, East
Charleston, WV 25301
Telephone: (304) 347-5050

Robert E. Ammons, TX Bar No. 01159820
Darcy M. Douglas, TX Bar No. 24054149
Pro Hac Vice Motions To Be Filed
THE AMMONS LAW FIRM
3700 Montrose Boulevard
Houston, Texas 77006
Telephone: (713) 523-1606

ATTORNEYS FOR PLAINTIFF

Contact Sheet

Attachment #2

The following individual(s) and or agency(s) were contacted in an attempt to obtain all the relevant information pertaining to this incident.

The Attorney: (b)(6) of the Ammons Law Firm Houston Texas

05/11/02, 05/15/09, 05/18/09, 05/28/09, 06/10/09, 06/15/09, 06/22/09, 07/01/09, 07/06/09, 07/08/09 & 07/13/09.



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May 4, 2009 West Virginia's Legal Journal

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NEWS

Teresa Urban, Lenore, WV 304-475-3265

Yamaha faces two suits over Rhino rollovers

4/24/2009 7:55 AM

By Kelly Holleran - Kanawha Bureau

CHARLESTON - Two West Virginia residents have filed separate suits against a prominent ATV manufacturer, alleging they were injured after their four-wheelers flipped.

Teresa Urban, on behalf of her minor son identified only as B.U., and Erik Morris filed federal suits against Yamaha.

Urban says her son was seriously injured when the Yamaha Rhino on which he was riding on March 2, 2008, rolled over.

Likewise, Morris says he was seriously injured when the Yamaha Rhino on which he was riding on May 28, 2007, rolled over.

They say the incidents occurred because the Yamaha Rhino was not stable and lacked necessary safety features, such as doors.

"The Yamaha Rhino is more narrow than most vehicles in its class, being designed to fit in a pickup truck bed as a convenience to consumers," the suit states. "Such convenience was achieved through designing the vehicle with a narrow track width, greatly decreasing the vehicle's stability characteristics."

In fact, since the Yamaha Rhino was introduced to the United States market in 2003, it has been involved in numerous rollover accidents, Urban and Morris claim.

"The Yamaha Rhino's high center of gravity, narrow track width, narrow wheels and tires, and side-by-side seating combine to make the vehicle especially prone to rolling over," the suit states.

The Rhino was designed with a deficient rollover protection system and without safety side netting, even though such technology was available at the time the vehicle was manufactured, according to the complaint.

Yamaha was aware of the Rhino's propensity to roll over as evidenced by a notice it sent to some Rhino owners in September 2006, Morris and Urban say. The notice warned the vehicle could roll over when driven aggressively or on sloping terrain. It also cautioned owners that in the event of a rollover, they should not stick their arms and legs outside the vehicle, according to the complaint.

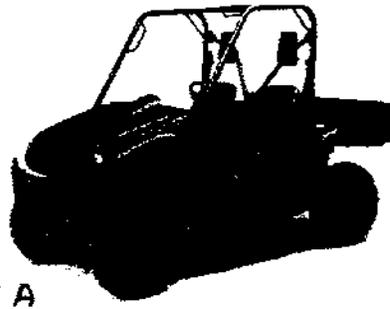
In August 2007, Yamaha Rhino notified owners who registered their contact information with the company that Rhino operators had experienced rollovers, even on flat surfaces. It extended an offer for free doors and handholds. However, many Rhino owners never received the notice. Those that did had a problem obtaining the equipment because the demand exceeded the supply, the suit states.

The Yamaha Rhino is a dangerous product, even on flat surfaces, Morris and Urban say.

"The Rhino's risk of injury greatly outweighs any utility," they wrote in their complaint. "The likely probability of injury on a Rhino, and the gravity of such an injury, exceeds any minimal cost of a safer and reasonable alternative design."

Because of B.U.'s and Morris' rollover incidents, they say they incurred medical costs, were permanently impaired and suffered a great reduction in their quality of life. They also lost wages and suffered pain and mental anguish, according to the complaint.

In the six-count suit, Urban and Morris are seeking unspecified compensatory, special and



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INCIDENT INVESTIGATION TERMINATION REPORT

1. TASK NO. 090508CCC3585		2. TIME EXPENDED 4.0		3. DATE INITIATED 5/12/09	
4. HOSPITAL NO. n/a		5. RECORD NO. I0950210A		6. AGE 33	7. SEX F
8. DATE OF TREATMENT	9. INJURY Fracture	10. BODY PART Wrist		11. DISPOSITION n/a	
12. PRODUCT 5044	13. PRODUCT CODE 5044	14. ORGANIZATION CODE 840		15. INVESTIGATOR ID 2390	
16. CATID NO. SECTTT2009		17. SPECIAL STUDY NO.		18. TERMINATION CODE	
19. RECORD OF ATTEMPTS TO CONTACT					
DATE	TIME	METHOD		RESPONSE	
5/12/09	1:00 pm	telephone		Scheduled interview	
5/13/09	10:30 am	telephone		No answer left message	
5/13/09	10:40 am	telephone		Left message at work number	
5/13/09	11:00 am	telephone		No answer	
5/14/09	10:30 am	telephone		No answer left message	
5/19/09	2:00 pm	telephone		No answer	
5/20/09	12:28 pm	email		No response	
6/3/09	10:00 am	telephone		No answer left message	
6/9/09	3:00 pm	on-site		Left letter, no response	
20. REASON FOR TERMINATION:					
<p>Complainant has not responded to any of the attempts made to complete an interview. The complainant mentioned she was involved in a class action lawsuit. It's possible her attorney advised her not to comment on the incident. No police report was filed for this incident. Medical records cannot be obtained.</p>					
21 REVIEWED BY:		ID NO.		MO DAY YR	
Eugene E. Staebell,		9021		6/16/09	

From: King, Donna
Sent: Wednesday, May 20, 2009 12:28 PM
To: 'asterzer2@yahoo.com'
Subject: Rhino complaint

Angie,

I am inquiring to see if you still want to be interviewed about the Rhino. I have attempted to call you several times and received your voicemail. If you have decided otherwise for whatever reason, can you sent me an email or voicemail saying you don't want to be interviewed. I will terminate the case.

Thanks,

Donna King
Investigator
US Consumer Product Safety Commission
11400 S. 63 E #105
Sandy, UT 84070
801-619-6920
Fax: 866-857-9963



U. S. CONSUMER PRODUCT SAFETY COMMISSION
11400 S 63 E #105 Sandy, UT 84070
Tel: 801/619-6920 Fax: 866/857-9963
Email: DKing@cpsc.gov

June 9, 2009

Angie Sterzer
11281 S Jordan View Drive #46
Sandy, Utah 84070
Email: asterzer2@yahoo.com
Tel: 801-696-1209

Dear Angie:

The Consumer Product Safety Commission (CPSC) was alerted to an incident involving a Rhino UTV. CPSC is a federal regulatory agency responsible for reducing such accidents. We are conducting a special study of such incidents in order to determine if additional safety standards need to be addressed...

I would like to meet with you and ask questions about the incident, particularly about the product involved (such as type, brand, etc.) Any information that you can provide about this product (manuals, age, frequency of use, etc.) and copies of any correspondence you have had with the manufacturer/retailer is appreciated. If you have any information on the medical treatment you received, it would be appreciated...

I will try to reach you during the next few days... The telephone number I have for you is 801-696-1209 and 801-902-3018. Please let me know if this number is wrong. Feel free to contact me if you have any questions. You can reach me by telephone in our Utah Office at 801-619-6920 or by e-mail at dking@cpsc.gov.

Thank you for your cooperation.

Sincerely,

Donna King
Product Safety Investigator

1. Task Number 090520HCC2635		2. Investigator's ID 8925		EPIDEMIOLOGIC INVESTIGATION REPORT
3. Office Code 810	4. Date of Accident YR MO DAY 2008 06 07	5. Date Initiated YR MO DAY 2009 05 21		
6. Synopsis of Accident or Complaint UPC none The victim, a 3-year-old female, was riding in a 4-wheeled UTV in an open field with an intoxicated female driver and another 4-year-old female passenger. They were not wearing helmets. The driver backed up, hit a tree stump, and then struck another tree causing the UTV to overturn. The driver landed on the victim causing her multiple injuries. They were taken to a hospital where the victim died 9 days later from acute bronchopneumonia and anoxic encephalopathy. The driver and 4-year-old were treated and released from the hospital. <div style="text-align: right;"> MER/PRVLBR NOTIFIED <i>3/24/10</i> COMMENTS: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> OVERRULED; <input type="checkbox"/> ATTACHED <input checked="" type="checkbox"/> EXCISIONS/FOIA EXS. <i>3, 25, 4, 6</i> <input checked="" type="checkbox"/> DO NOT RE-NOTIFY <input type="checkbox"/> RE-NOTIFY </div>				
7. Location (Home, School, etc) 4 - STREET OR HIGHWAY		8. City WELLER TOWNSHIP		9. State OH
10A. First Product 5044 - Utility Vehicles		10B. Trade/Brand Name YAMAHA/RHINO		10C. Model Number UNKNOWN
10D. Manufacturer Name and Address YAMAHA CORP. OF AMERICA INT'L/VIN: UNKNOWN 660 Orangethorpe Ave. Buena Park, CA 90622				
11A. Second Product 0		11B. Trade/Brand Name NONE		11C. Model Number NONE
11D. Manufacturer Name and Address NONE				
12. Age of Victim 3	13. Sex 2 - Female	14. Disposition 8 - Death	15. Injury Diagnosis 62 - Intern. Org. Inj.	
16. Body Part(s) Involved 31 - UPPER TRUNK	17. Respondent 3 - 2nd Hand Info Only	18. Type of Investigation 2 - Telephone	19. Time Spent (Operational / Travel) 5 / 0	
20. Attachment(s) 9 - Multiple Attachments		21. Case Source 12 - MECAP		22. Sample Collection Number
23. Permission to Disclose Name (Non NEISS Cases Only) <input type="radio"/> Yes <input checked="" type="radio"/> No <input type="radio"/> Verbal <input type="radio"/> Yes for Manuf. Only				
24. Review Date 08/07/2009	25. Reviewed By 9093		26. Regional Office Director Dennis R. Blasius	
27. Distribution Moon, Clarice; Streeter, Robin; Garland, Sarah; Kessler, Charles			28. Source Document Number X0940883A	

The information in this report was based on information received from the sheriff's department and the coroner's office. A photo of the utility vehicle/2007 Yamaha Rhino was not provided. Contact with the victim's next-of-kin was not permissible.

On Saturday, June 7, 2008, in Richland County, Weller Township, OH, the victim, a 3-year-old female passenger, was riding in a 4-wheeled utility vehicle in an open field and she was not wearing a helmet. The weather condition was cloudy and the temperature was 71 degrees.

She was accompanied by a driver, her mother and another passenger, a 4-year-old female were also riding in the vehicle; they were not wearing helmets. The victim's mother was intoxicated while operating the utility vehicle and she attempted to travel going backwards in the field. The vehicle struck a tree stump, continues traveling until it struck another tree where it overturned on its side and threw the occupants.

The mother landed on the victim who was severely injured and sustained multiple injuries. The mother sustained a cut to her head while the other passenger sustained minor injuries.

It is unknown what rate of speed the utility vehicle was traveling at prior to the incident. The mother's knowledge regarding operation and/or handling the utility vehicle was unknown. It is unknown whether a seat belt was worn prior to the incident.

The victim was taken from the scene via private owned vehicle to a hospital where she was air flight to another hospital located in Cleveland, OH. The victim was treated, but never regained consciousness and she died 9 days later at the hospital. Her cause of death was acute bronchopneumonia and anoxic encephalopathy. The victim's mother and the other passenger were released from the hospital.

Product: 4-wheeled utility vehicle

Brand/Year: Yamaha/2007

Manufacturer: Yamaha
660 Orangethorpe Ave.
Buena Park, CA 90622

Model: Rhino

VIN: unknown

Description: green in color

Condition: maintenance history, bought new or used, and prior problems is unknown.

Modification: unknown

ATTACHMENTS:

1. Traffic Crash Report.
2. Missing Document, photo of the utility vehicle.
3. Coroner's Report.
4. Contact Information.

TRAFFIC CRASH REPORT



53

CRASH SEVERITY
 1 FATAL 3 PDO
 2 INJURY 4 UNKNOWN

PRIVATE PROPERTY X
 HIT/SKIP 1 NOT HIT/SKIP
 2 SOLVED
 3 UNSOLVED

PHOTOS TAKEN X
 OH-2 OH-3 OH-1P OTHER

07000 REPORTING AGENCY * Richland County Sheriff 01 01 98 = ANIMAL
 99 = UNKNOWN 06072008

DAY OF WEEK
SAT

NAME (OF CITY, VILLAGE OR TOWNSHIP) *
Weller 70

LATITUDE 092-417996 LONGITUDE 040-860997

CRASH OCCURRED ON PREFIX CRASH LOCATION <u>3915</u>	TYPE LOC	TYPE LOCATION POINT USED 1 NAMED STREET 3 NUMBERED ROUTE 2 NUMBERED STREET	LOCAL INFORMATION
AT / REFERENCE DIST REFERENCE DR PREFIX REFERENCE <u>Faulk Road</u>	REF POINT <u>41</u>	REFERENCE POINT USED 01 STATE LINE 02 INTERSECTION 2 STREETS 03 COUNTY LINE	04 HOUSE NUMBER 05 TOWNSHIP BOUNDARY 06 MILE POST 07 CORPORATION LIMIT 08 PLACE NAME W/D REFERENCE 09 DRIVEWAY 10 STREET OR ROUTE W/D REFERENCE

NAME (LAST, FIRST, MIDDLE)
(b)(6)

HOME PHONE # WORK PHONE #

DL STATE DL # OH SKL 85972 LP STATE LP # INJURED TAKEN BY 5 1 NONE 4 OTHER
 2 EMS 5 UNKNOWN
 3 POLICE TRANSPORTED BY INJURED TAKEN TO
Ashland Samaritan

OWNER NAME (IF SAME, WRITE "SAME") ADDRESS (STREET, CITY, STATE, ZIP CODE)
(b)(6) 44805

YEAR MAKE Kamohu MODEL Rhino COLOR Green INSURANCE COMPANY TOWING SERVICE OWNER PHONE #
(b)(6)

OFFENSE CHARGED OFFENSE DESCRIPTION

NAME (LAST, FIRST, MIDDLE)
 ADDRESS (STREET, CITY, STATE, ZIP CODE)

HOME PHONE # WORK PHONE #

DL STATE DL # LP STATE LP # INJURED TAKEN BY 1 NONE 4 OTHER
 2 EMS 5 UNKNOWN
 3 POLICE TRANSPORTED BY INJURED TAKEN TO

OWNER NAME (IF SAME, WRITE "SAME") ADDRESS (STREET, CITY, STATE, ZIP CODE)

YEAR MAKE MODEL COLOR INSURANCE COMPANY TOWING SERVICE OWNER PHONE #

OFFENSE CHARGED OFFENSE DESCRIPTION

NAME (LAST, FIRST, MIDDLE) HOME PHONE #
(b)(6) 0730200304 F

INJURED TAKEN BY 1 NONE 4 OTHER
 2 EMS 5 UNKNOWN
 3 POLICE TRANSPORTED BY INJURED TAKEN TO
5 Ashland Samaritan

NAME (LAST, FIRST, MIDDLE) HOME PHONE #
(b)(6) 1011200403 F

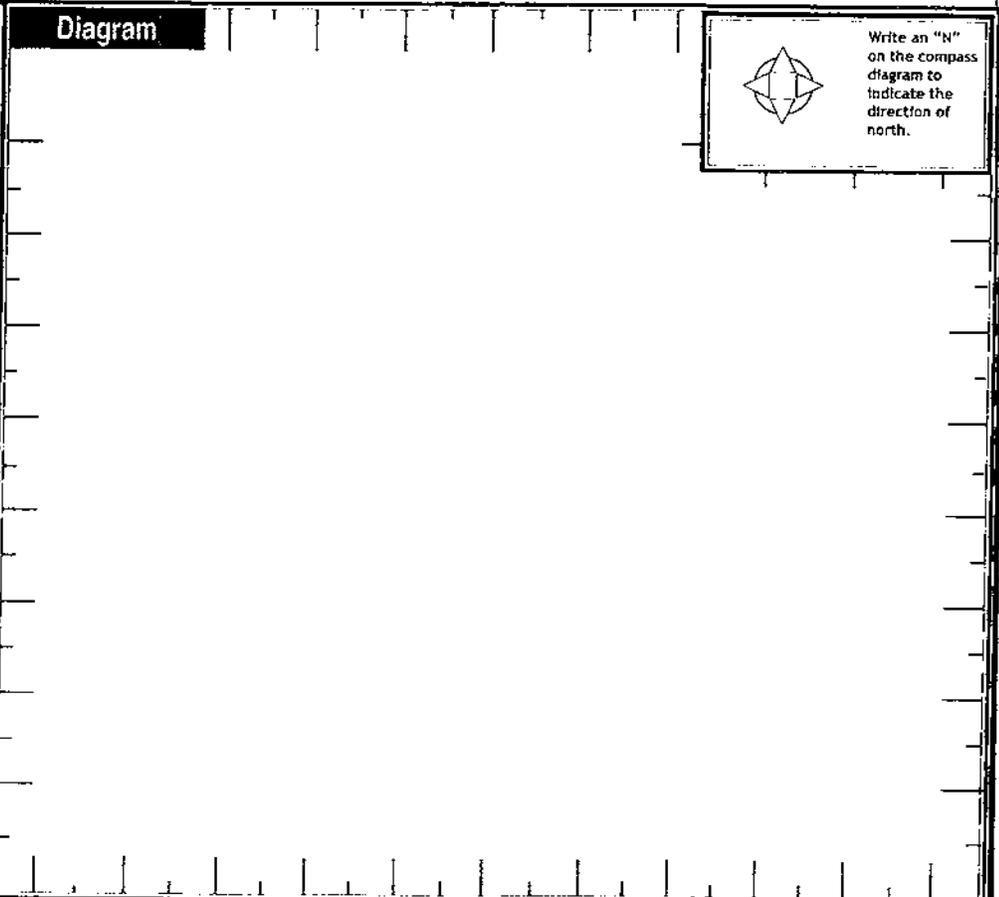
INJURED TAKEN BY 1 NONE 4 OTHER
 2 EMS 5 UNKNOWN
 3 POLICE TRANSPORTED BY INJURED TAKEN TO
5 Ashland Samaritan

SEATING POSITION	SAFETY EQUIPMENT	AIR BAG	AIR BAG SWITCH	EJECTION	TRAPPED	INJURIES
01 FRONT - LEFT (MC DRIVER)	MOTORIST	1 NOT-DEPLOYED	1 NOT PRESENT	1 NOT EJECTED	1 NOT TRAPPED	1 NO INJURY
02 FRONT - MIDDLE	01 NONE USED	2 DEPLOYED-FRONT	2 IN ON POSITION	2 TOTALLY EJECTED	2 EXTRICATED BY MEANS	2 POSSIBLE NON-INCAPACITATING
03 FRONT - RIGHT	02 SHOULDER BELT ONLY	3 DEPLOYED-SIDE	3 IN OFF POSITION	3 PARTIALLY EJECTED	3 MECHANICAL MEANS	3 NON-INCAPACITATING
04 SECOND - LEFT (MC PASS)	03 LAP BELT ONLY	4 DEPLOYED BOTH FRONT/SIDE	4 UNKNOWN	4 NOT APPLICABLE	4 FREED BY NON-MECHANICAL MEANS	4 INCAPACITATING
05 SECOND - MIDDLE	04 SHOULDER/LAP BELT	5 NOT APPLICABLE		5 UNKNOWN	5 UNKNOWN	5 FATAL INJURY
06 SECOND - RIGHT	05 CHILD SAFETY SEAT	6 UNKNOWN			6 UNKNOWN	6 UNKNOWN
07 THIRD - LEFT (MC PASSENGER/SIDE CAR)	06 MC HELMET USED					
08 THIRD - MIDDLE	07 USE UNKNOWN					
09 THIRD - RIGHT	NON-MOTORIST					
10 SLEEPER SECTION OF CAB	08 NONE USED					
11 ENCLOSED CARGO AREA	09 HELMET USED					
12 UNENCLOSED CARGO AREA	10 PROTECTIVE PADS					
13 TRAILING UNIT	11 REFLECTIVE CLOTHING					
14 EXTERIOR	12 LIGHTING					
15 OTHER	13 OTHER					
16 NON-MOTORIST	14 UNKNOWN					
17 UNKNOWN						

BLANK FOR WITNESS

Narrative Appears #1 was backing, hit a stump then a tree then rolled over

MANNER OF COLLISION OR IMPACT <input type="checkbox"/> 1 NOT COLLISION BETWEEN TWO VEHICLES IN TRANSPORT <input type="checkbox"/> 2 REAR-END <input type="checkbox"/> 3 HEAD-ON <input type="checkbox"/> 4 REAR-TO-REAR <input type="checkbox"/> 5 BACKING <input type="checkbox"/> 6 ANGLE <input type="checkbox"/> 7 SIDESWIPE, SAME DIRECTION <input type="checkbox"/> 8 SIDESWIPE, OPPOSITE DIRECTION <input type="checkbox"/> 9 UNKNOWN	SCHOOL BUS RELATED <input type="checkbox"/> 1 NO <input type="checkbox"/> 2 YES, DIRECTLY INVOLVED <input type="checkbox"/> 3 YES, INDIRECTLY INVOLVED <input type="checkbox"/> 4 UNKNOWN
WEATHER <input type="checkbox"/> 01 CLEAR <input type="checkbox"/> 02 CLOUDY <input type="checkbox"/> 03 FOG, SMOG, SMOKE <input type="checkbox"/> 04 RAIN <input type="checkbox"/> 05 SLEET, HAIL (FREEZING RAIN DRIZZLE) <input type="checkbox"/> 06 SNOW <input type="checkbox"/> 07 SEVERE CROSSWINDS <input type="checkbox"/> 08 BLOWING SAND, SOIL, DIRT, SNOW <input type="checkbox"/> 09 OTHER <input type="checkbox"/> 10 UNKNOWN	WORK ZONE RELATED <input type="checkbox"/> 1 NO <input type="checkbox"/> 2 YES <input type="checkbox"/> 3 UNKNOWN
LIGHT CONDITIONS <input type="checkbox"/> 1 DAYLIGHT <input type="checkbox"/> 2 DAWN <input type="checkbox"/> 3 DUSK <input type="checkbox"/> 4 DARK - LIGHTED ROADWAY <input type="checkbox"/> 5 DARK - NOT LIGHTED <input type="checkbox"/> 6 DARK - UNKNOWN LIGHTING <input type="checkbox"/> 7 GLARE <input type="checkbox"/> 8 OTHER <input type="checkbox"/> 9 UNKNOWN	TYPE OF WORK ZONE <input type="checkbox"/> 1 LANE CLOSURE <input type="checkbox"/> 2 LANE SHIFT/CROSSOVER <input type="checkbox"/> 3 WORK ON SHOULDER OR MEDIAN <input type="checkbox"/> 4 INTERMITTENT MOVING WORK <input type="checkbox"/> 5 OTHER
	LOCATION OF CRASH IN WORK ZONE <input type="checkbox"/> 1 BEFORE FIRST WORK ZONE WARNING SIGN <input type="checkbox"/> 2 ADVANCE WARNING AREA <input type="checkbox"/> 3 TRANSITION AREA <input type="checkbox"/> 4 ACTIVITY AREA
	WORKERS PRESENT <input type="checkbox"/> 1 NO <input type="checkbox"/> 2 YES <input type="checkbox"/> 3 UNKNOWN



Truck/Bus THE CRASH INVOLVED ONE OR MORE OF THE FOLLOWING: A TRUCK (MOTOR VEHICLE) WITH A GVWR MORE THAN 10,000 POUNDS; OR A TRUCK (MOTOR VEHICLE) WITH A HAZARDOUS MATERIALS PLACARD; OR A BUS DESIGNED FOR AT LEAST 8 PERSONS, INCLUDING DRIVER.	A N D THE CRASH RESULTED IN ONE OR MORE OF THE FOLLOWING: A FATALITY; OR AN INJURY REQUIRING TRANSPORTATION FOR IMMEDIATE MEDICAL TREATMENT; OR AT LEAST ONE VEHICLE WAS TOWED DUE TO DISABLING DAMAGE OR REQUIRED INTERVENING ASSISTANCE BEFORE PROCEEDING UNDER ITS OWN POWER.
COMPANY (FROM SHIPPING PAPERS) ADDRESS (STREET, CITY, ST, ZIP CODE)	COMPANY PHONE

US DOT	ICC MC	PUCO	TRAILER LP ST.	TRAILER LP YEAR	TRAILER LP #
CARGO BODY TYPE 01 NOT APPLICABLE 02 BUS (9-15 INCLUDING DRIVER) 03 VAN/ENCLOSED BOX 04 GRAIN/CHIPS/GRAVEL 05 POLE 06 CARGO TANK 07 FLATBED 08 DUMP 09 CONCRETE MIXER 10 AGRO TRANSPORTER 11 GARBAGE/REFUSE 12 OTHER 13 UNKNOWN	Weight (GVWR) 1 LESS/EQUAL 10,000 2 10,001 - 25,000 3 MORE THAN 25,000	CDL Class 1 CLASS A 2 CLASS B 3 CLASS C 4 CLASS M 5 CLASS D	Hazardous Materials Placard 1 NO 2 YES 3 UNKNOWN	Hazardous Materials Released 1 NO 2 YES 3 NOT APPLICABLE 4 UNKNOWN	

Police Action

06072008 1628 1656 1722 2007 191

DISPATCH APPROVED CLEARED OTHER

OFFICER'S NAME * Sgt. Donald Dehner 711

CHECKED BY DATE REPORT FILED * 06072008

REPORT TAKEN BY 1 POLICE AGENCY 2 MOTORIST REPORT TAKEN AT 1 SCENE 2 STATION 3 OTHER 53

TRAFFIC CRASH REPORT- OCCUPANT ADDENDUM

OH-1-P (Rev. 11/99)

53

07000

REPORTING AGENCY *

Richland County Sheriff

06072008

NAME (LAST, FIRST, MIDDLE) (b)(6)	HOME PHONE #	TRANSPORTED BY	INJURED TAKEN TO	M
NAME (LAST, FIRST, MIDDLE)	HOME PHONE #	TRANSPORTED BY	INJURED TAKEN TO	F
NAME (LAST, FIRST, MIDDLE)	HOME PHONE #	TRANSPORTED BY	INJURED TAKEN TO	1108197730 M

NAME (LAST, FIRST, MIDDLE)	HOME PHONE #	INJURED TAKEN BY	TRANSPORTED BY	INJURED TAKEN TO
ADDRESS (STREET, CITY, STATE, ZIP CODE)		1 NONE 4 OTHER		
		2 EMS 5 UNKNOWN		
		3 POLICE		

NAME (LAST, FIRST, MIDDLE)	HOME PHONE #	INJURED TAKEN BY	TRANSPORTED BY	INJURED TAKEN TO
ADDRESS (STREET, CITY, STATE, ZIP CODE)		1 NONE 4 OTHER		
		2 EMS 5 UNKNOWN		
		3 POLICE		

NAME (LAST, FIRST, MIDDLE)	HOME PHONE #	INJURED TAKEN BY	TRANSPORTED BY	INJURED TAKEN TO
ADDRESS (STREET, CITY, STATE, ZIP CODE)		1 NONE 4 OTHER		
		2 EMS 5 UNKNOWN		
		3 POLICE		

NAME (LAST, FIRST, MIDDLE)	HOME PHONE #	INJURED TAKEN BY	TRANSPORTED BY	INJURED TAKEN TO
ADDRESS (STREET, CITY, STATE, ZIP CODE)		1 NONE 4 OTHER		
		2 EMS 5 UNKNOWN		
		3 POLICE		

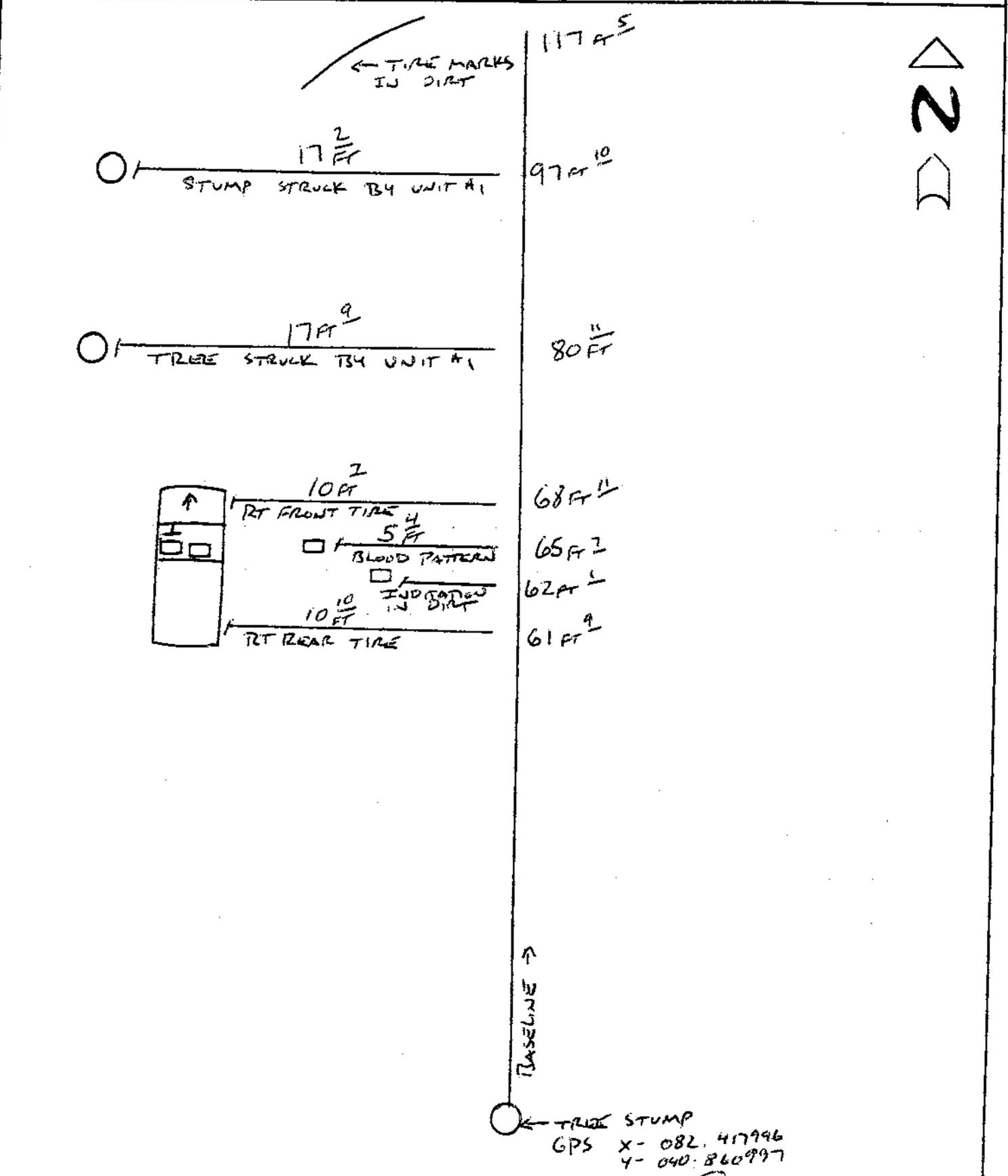
SEATING POSITION	SAFETY EQUIPMENT	AIR BAG	AIR BAG SWITCH	EJECTION	TRAPPED	INJURIES
01 FRONT - LEFT (MC DRIVER)	MOTORIST	1 NOT-DEPLOYED	1 IN ON POSITION	1 NOT EJECTED	1 NOT TRAPPED	1 NO INJURY
02 FRONT - MIDDLE	01 NONE USED	2 DEPLOYED-FRONT	2 IN OFF POSITION	2 TOTALLY EJECTED	2 EXTRICATED BY MECHANICAL MEANS	2 POSSIBLE
03 FRONT - RIGHT	02 SHOULDER BELT ONLY	3 DEPLOYED-SIDE	3 NOT PRESENT	3 PARTIALLY EJECTED	3 FREED BY NON-MECHANICAL MEANS	3 NON-INCAPACITATING
04 SECOND - LEFT (MC PASS)	03 LAP BELT ONLY	4 DEPLOYED BOTH FRONT/SIDE	4 UNKNOWN	4 NOT APPLICABLE	4 UNKNOWN	4 INCAPACITATING
05 SECOND - MIDDLE	04 SHOULDER/LAP BELT	5 NOT APPLICABLE		5 UNKNOWN		5 FATAL INJURY
06 SECOND - RIGHT	05 CHILD SAFETY SEAT	6 UNKNOWN				6 UNKNOWN
07 THIRD - LEFT (MC PASSENGER/SIDE CAR)	06 MC HELMET USED					
08 THIRD - MIDDLE	07 USE UNKNOWN					
09 THIRD - RIGHT	NON-MOTORIST					
10 SLEEPER SECTION OF CAB	08 NONE USED					
11 ENCLOSED CARGO AREA	09 HELMET USED					
12 UNENCLOSED CARGO AREA	10 PROTECTIVE PADS					
13 TRAILING UNIT	11 REFLECTIVE CLOTHING					
14 EXTERIOR	12 LIGHTING					
15 OTHER	13 OTHER					
16 NON-MOTORIST	14 UNKNOWN					
17 UNKNOWN						

BLANK FOR WITNESS

OHIO TRAFFIC CRASH - DIAGRAM/NARRATIVE CONTINUATION

OH - 2

LOCAL REPORT NUMBER S3-08	REPORTING AGENCY RICHLAND CO. SO.	DATE OF CRASH M 06 D 07 Y 08
IN COUNTY OF RICHLAND	CRASH LOCATION 3915 FAULK RD.	

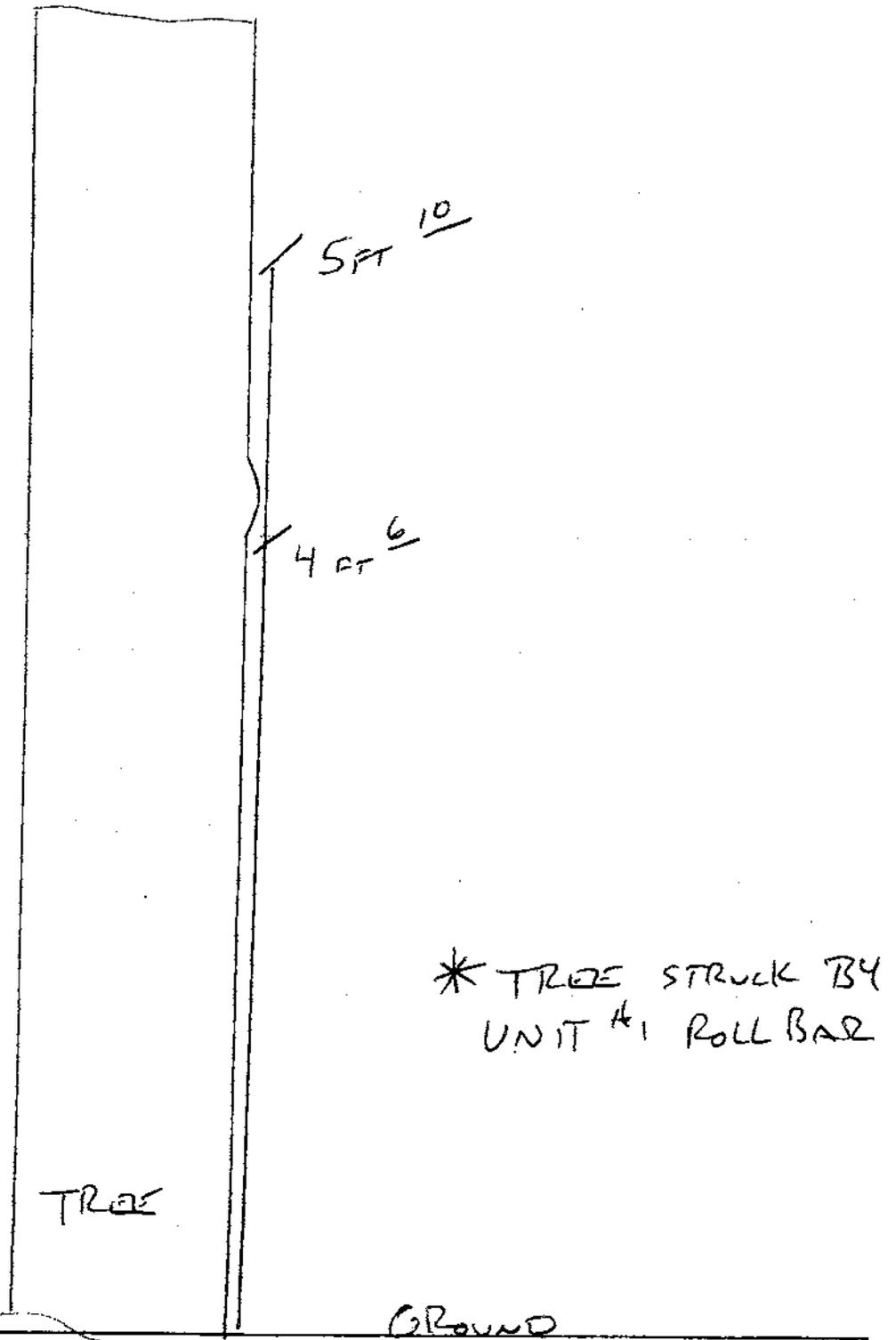


OFFICER'S SIGNATURE X <i>[Signature]</i>	BADGE NUMBER 703
--	----------------------------

OHIO TRAFFIC CRASH - DIAGRAM/NARRATIVE CONTINUATION

OH - 2

LOCAL REPORT NUMBER 53-08	REPORTING AGENCY RICHLAND CO. SO.	DATE OF CRASH MO 06 07 08 DAY
IN COUNTY OF RICHLAND	CRASH LOCATION 3915 FAULK RD.	



OFFICER'S SIGNATURE X [Signature]	BADGE NUMBER 703
--------------------------------------	---------------------

TRAFFIC CRASH REPORT



53

CRASH SEVERITY
 1 FATAL 3 PDO
 2 INJURY 4 UNKNOWN

PRIVATE PROPERTY
 HIT/SICP
 1 NOT HIT/SICP
 2 SOLVED
 3 UNSOLVED

PHOTOS TAKEN
 OH-2 OH-3 OH-1P OTHER

REPORTING AGENCY *

98 = ANIMAL
 99 = UNKNOWN

DAY OF WEEK

NAME (OF CITY, VILLAGE OR TOWNSHIP) *

LATITUDE _____ LONGITUDE _____

CRASH OCCURRED ON
 PREFIX CRASH LOCATION TYPE LOC TYPE LOCATION POINT USED
 3915 Foulk Rd 1 1 NAMED STREET 3 NUMBERED ROUTE
 2 NUMBERED STREET

LOCAL INFORMATION:
 04 HOUSE NUMBER 08 PLACE NAME W/O REFERENCE
 05 TOWNSHIP BOUNDARY 09 DRIVEWAY
 06 MILE POST 10 STREET OR ROUTE W/O REFERENCE
 07 CORPORATION LIMIT

AT / REFERENCE
 LAST REFERENCE OR PREFIX REFERENCE REF POINT
 N ID

NAME (LAST, FIRST, MIDDLE)

ADDRESS (STREET, CITY, STATE, ZIP CODE)

HOME PHONE # _____ WORK PHONE # _____

DL STATE DL # _____ LP STATE LP # _____

INJURED TAKEN BY
 1 NONE 4 OTHER
 2 EMS 5 UNKNOWN
 3 POLICE

TRANSPORTED BY INJURED TAKEN TO
 self

OWNER NAME (IF SAME, WRITE "SAME")

ADDRESS (STREET, CITY, STATE, ZIP CODE)

YEAR MAKE MODEL COLOR INSURANCE COMPANY TOWING SERVICE OWNER PHONE #

OFFENSE CHARGED OFFENSE DESCRIPTION

NAME (LAST, FIRST, MIDDLE)

ADDRESS (STREET, CITY, STATE, ZIP CODE)

HOME PHONE # _____ WORK PHONE # _____

DL STATE DL # _____ LP STATE LP # _____

INJURED TAKEN BY
 1 NONE 4 OTHER
 2 EMS 5 UNKNOWN
 3 POLICE

TRANSPORTED BY INJURED TAKEN TO

OWNER NAME (IF SAME, WRITE "SAME")

ADDRESS (STREET, CITY, STATE, ZIP CODE)

YEAR MAKE MODEL COLOR INSURANCE COMPANY TOWING SERVICE OWNER PHONE #

OFFENSE CHARGED OFFENSE DESCRIPTION

NAME (LAST, FIRST, MIDDLE)

HOME PHONE #

ADDRESS (STREET, CITY, STATE, ZIP CODE)

INJURED TAKEN BY TRANSPORTED BY INJURED TAKEN TO
 1 NONE 4 OTHER
 2 EMS 5 UNKNOWN
 3 POLICE self

NAME (LAST, FIRST, MIDDLE)

HOME PHONE #

ADDRESS (STREET, CITY, STATE, ZIP CODE)

INJURED TAKEN BY TRANSPORTED BY INJURED TAKEN TO
 1 NONE 4 OTHER
 2 EMS 5 UNKNOWN
 3 POLICE self

- SEATING POSITION
- 01 FRONT - LEFT (MC DRIVER)
 - 02 FRONT - MIDDLE
 - 03 FRONT - RIGHT
 - 04 SECOND - LEFT (MC PASS)
 - 05 SECOND - MIDDLE
 - 06 SECOND - RIGHT
 - 07 THIRD - LEFT (MC PASSENGER/SIDE CAR)
 - 08 THIRD - MIDDLE
 - 09 THIRD - RIGHT
 - 10 SLEEPER SECTION OF CAB
 - 11 ENCLOSED CARGO AREA
 - 12 UNENCLOSED CARGO AREA
 - 13 TRAILING UNIT
 - 14 EXTERIOR
 - 15 OTHER
 - 16 NON-MOTORIST
 - 17 UNKNOWN

- SAFETY EQUIPMENT
- 01 NONE USED
 - 02 SHOULDER BELT ONLY
 - 03 LAP BELT ONLY
 - 04 SHOULDER/LAP BELT
 - 05 CHILD SAFETY SEAT
 - 06 MC HELMET USED
 - 07 USE UNKNOWN
 - NON-MOTORIST
 - 08 NONE USED
 - 09 HELMET USED
 - 10 PROTECTIVE PADS
 - 11 REFLECTIVE CLOTHING
 - 12 LIGHTING
 - 13 OTHER
 - 14 UNKNOWN

- AIR BAG
- 1 NOT DEPLOYED
 - 2 DEPLOYED-FRONT
 - 3 DEPLOYED-SIDE
 - 4 DEPLOYED BOTH FRONT/SIDE
 - 5 NOT APPLICABLE
 - 6 UNKNOWN

- AIR BAG SWITCH
- 1 NOT PRESENT
 - 2 IN ON POSITION
 - 3 IN OFF POSITION
 - 4 UNKNOWN

- EJECTION
- 1 NOT EJECTED
 - 2 TOTALLY EJECTED
 - 3 PARTIALLY EJECTED
 - 4 NOT APPLICABLE
 - 5 UNKNOWN

- TRAPPED
- 1 NOT TRAPPED
 - 2 EXTRICATED BY MECHANICAL MEANS
 - 3 FREED BY NON-MECHANICAL MEANS
 - 4 UNKNOWN

- INJURIES
- 1 NO INJURY
 - 2 POSSIBLE
 - 3 NON-INCAPACITATING
 - 4 INCAPACITATING
 - 5 FATAL INJURY
 - 6 UNKNOWN

03
 03

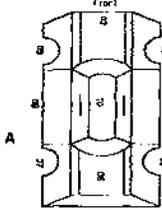
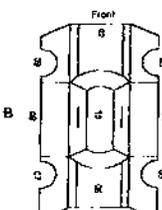
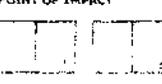
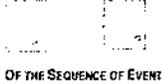
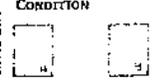
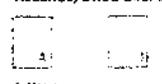
01
 07
 07

5

Motorist/Non-Motorist

Occupant

SEARCHED INDEXED
 SERIALIZED FILED
 FBI - []

UNIT NUMBERS	DAMAGE AREA	PRE-CRASH ACTIONS	SEQUENCE OF EVENTS	POSTED SPEED	DRUG TEST STATUS
<p>NON-MOTORIST LOCATION</p> <p>01 MARKED CROSSWALK AT INTERSECTION</p> <p>02 INTERSECTION/NO CROSSWALK</p> <p>03 NON-INTERSECTION CROSSWALK</p> <p>04 DRIVEWAY ACCESS CROSSWALK</p> <p>05 IN ROADWAY</p> <p>06 NOT IN ROADWAY</p> <p>07 MEDIAN (BUT NOT SHOULDER)</p> <p>08 ISLAND</p> <p>09 SHOULDER</p> <p>10 SIDEWALK</p> <p>11 WITHIN 10 FEET OF ROADWAY (NOT SHOULDER, MEDIAN, SIDEWALK, ISLAND)</p> <p>12 BEYOND 10 FEET OF ROADWAY (WITHIN TRAFFICWAY)</p> <p>13 OUTSIDE TRAFFICWAY</p> <p>14 SHARED USE PATHS OR TRAILS</p> <p>15 UNKNOWN</p> <p>TYPE OF UNIT</p> <p>MOTORIST</p> <p>01 SUB-COMPACT</p> <p>02 COMPACT</p> <p>03 MID SIZE</p> <p>04 FULL SIZE</p> <p>05 MINIVAN</p> <p>06 SPORT UTILITY VEHICLE</p> <p>07 PICKUP</p> <p>08 PANEL/VAN</p> <p>09 SINGLE UNIT TRUCK; 2 AXLES, 6 TIRES</p> <p>10 SINGLE UNIT TRUCK; 3+ AXLES</p> <p>11 TRUCK/TRAILER</p> <p>12 TRUCK TRACTOR (BOBTAIL)</p> <p>13 TRACTOR/SEMI-TRAILER</p> <p>14 TRACTOR/DOUBLE SHORT</p> <p>15 TRACTOR/DOUBLE LONG</p> <p>16 FIFTH WHEEL OR CONVERTER DOLLY</p> <p>17 TRACTOR/TRIPLES</p> <p>18 MOTORCYCLE</p> <p>19 MOTORIZED BICYCLE</p> <p>20 SCHOOL BUS</p> <p>21 CHURCH BUS</p> <p>22 PUBLIC BUS</p> <p>23 OTHER BUS</p> <p>24 POLICE VEHICLE</p> <p>25 FIRE TRUCK</p> <p>26 AMBULANCE/RESCUE</p> <p>27 TAXI</p> <p>28 MOTOR HOME</p> <p>29 TRAM</p> <p>30 FARM VEHICLE</p> <p>31 FARM EQUIPMENT</p> <p>32 SNOWMOBILE</p> <p>33 CONSTRUCTION EQUIPMENT</p> <p>34 ALL OTHERS</p> <p>NON-MOTORIST</p> <p>35 ANIMAL W/RIDER</p> <p>36 ANIMAL W/BUGGY</p> <p>37 BICYCLE</p> <p>38 PEDESTRIAN</p> <p>39 PEDALCYCLIST</p> <p>40 SKATER</p> <p>41 OTHER-NON MOTORIST</p> <p>42 UNKNOWN</p> <p>IN EMERGENCY RESPONSE</p> <p>1 NO</p> <p>2 YES</p> <p>3 UNKNOWN</p>	 <p>Front</p>  <p>Front</p> <p>MOST DAMAGED AREA</p> <p>01 NONE</p> <p>02 CENTER FRONT</p> <p>03 RIGHT FRONT</p> <p>04 RIGHT SIDE</p> <p>05 RIGHT REAR</p> <p>06 REAR CENTER</p> <p>07 LEFT REAR</p> <p>08 LEFT SIDE</p> <p>09 LEFT FRONT</p> <p>10 TOP AND WINDOWS</p> <p>11 UNDERCARRIAGE</p> <p>12 LOAD/TRAILER</p> <p>13 TOTAL (ALL AREAS)</p> <p>14 OTHER</p> <p>15 UNKNOWN</p> <p>POINT OF IMPACT</p>  <p>01 NONE</p> <p>02 CENTER FRONT</p> <p>03 RIGHT FRONT</p> <p>04 RIGHT SIDE</p> <p>05 RIGHT REAR</p> <p>06 REAR CENTER</p> <p>07 LEFT REAR</p> <p>08 LEFT SIDE</p> <p>09 LEFT FRONT</p> <p>10 TOP AND WINDOWS</p> <p>11 UNDERCARRIAGE</p> <p>12 LOAD/TRAILER</p> <p>13 TOTAL (ALL AREAS)</p> <p>14 OTHER</p> <p>15 UNKNOWN</p> <p>ACTION</p> <p>1 NON-CONTACT</p> <p>2 NON-COLLISION</p> <p>3 STRIKING</p> <p>4 STRUCK</p> <p>5 BOTH STRIKING AND STRUCK</p> <p>6 UNKNOWN</p> <p>STRIKING VEHICLE: OVERRIDE / UNDERRIDE</p> <p>01 NO UNDERRIDE OR OVERRIDE</p> <p>02 UNDERRIDE, COMPARTMENT INTRUSION</p> <p>03 UNDERRIDE, NO COMPARTMENT INTRUSION</p> <p>04 UNDERRIDE, COMPARTMENT INTRUSION UNKNOWN</p> <p>05 OVERRIDE, MOTOR VEHICLE IN TRANSPORT</p> <p>06 OVERRIDE, OTHER VEHICLE</p> <p>07 UNKNOWN</p>	<p>MOTORIST</p> <p>01 MOVEMENTS ESSENTIALLY STRAIGHT AHEAD</p> <p>02 BACKING</p> <p>03 CHANGING LANES</p> <p>04 OVERTAKING/PASSING</p> <p>05 TURNING RIGHT</p> <p>06 TURNING LEFT</p> <p>07 MAKING U-TURN</p> <p>08 ENTERING TRAFFIC LANE</p> <p>09 LEAVING TRAFFIC LANE</p> <p>10 PARKED</p> <p>11 SLOWING/STOPPED IN TRAFFIC</p> <p>12 DRIVERLESS</p> <p>13 OTHER</p> <p>14 UNKNOWN</p> <p>NON-MOTORIST</p> <p>15 ENTERING/CROSSING IN SPECIFIED LOCATION</p> <p>16 WALKING, RUNNING, JOGGING, PLAYING, CYCLING</p> <p>17 WORKING</p> <p>18 PUSHING VEHICLE</p> <p>19 APPROACHING/LEAVING VEHICLE</p> <p>20 PLAYING/WORKING ON VEHICLE</p> <p>21 STANDING</p> <p>22 OTHER</p> <p>23 UNKNOWN</p> <p>CONTRIBUTING CIRCUMSTANCES</p> <p>10</p> <p>MOTORIST</p> <p>01 NONE</p> <p>02 FAILURE TO YIELD</p> <p>03 RAN RED LIGHT, OR STOP SIGN</p> <p>04 EXCEEDED SPEED LIMIT</p> <p>05 UNSAFE SPEED</p> <p>06 IMPROPER TURN</p> <p>07 LEFT OF CENTER</p> <p>08 FOLLOWED TOO CLOSELY/WACDA</p> <p>09 IMPROPER LANE CHANGE/ DROVE OFF ROAD/ IMPROPER PASSING</p> <p>10 IMPROPER BACKING</p> <p>11 IMPROPER START FROM PARKED POSITION</p> <p>12 STOPPED OR PARKED ILLEGALLY</p> <p>13 OPERATING VEHICLE IN ERRATIC, RECKLESS, CARELESS, NEGLIGENT OR AGGRESSIVE MANNER</p> <p>14 SWERVING TO AVOID (DUE TO WIND, SLIPPERY SURFACE, VEHICLE, OBJECT, NON-MOTORIST IN ROADWAY, ETC)</p> <p>15 FAILURE TO CONTROL</p> <p>16 VISION OBSTRUCTION</p> <p>17 DRIVER INATTENTIVE</p> <p>18 FATIGUE/ASLEEP</p> <p>19 OPERATING DEFECTIVE EQUIPMENT</p> <p>20 LOAD SHIFTING/FALLING/SPILLING</p> <p>21 OTHER IMPROPER ACTION</p> <p>22 UNKNOWN</p> <p>NON-MOTORIST</p> <p>23 NONE</p> <p>24 IMPROPER CROSSING</p> <p>25 DARTING</p> <p>26 LYING AND/OR ILLEGALLY IN ROADWAY</p> <p>27 FAILURE TO YIELD RIGHT OF WAY</p> <p>28 NOT VISIBLE (DARK CLOTHING)</p> <p>29 INATTENTIVE</p> <p>30 FAILURE TO OBEY TRAFFIC SIGNS, SIGNALS, OR OFFICER</p> <p>31 WRONG SIDE OF THE ROAD</p> <p>32 OTHER</p> <p>33 UNKNOWN</p> <p>VEHICLE DEFECT CODE ONLY IF "19" SELECTED ABOVE</p> <p>01 TURN SIGNALS</p> <p>02 HEAD LAMPS</p> <p>03 TAIL LAMPS</p> <p>04 BRAKES</p> <p>05 STEERING</p> <p>06 TIRE BLOWOUT</p> <p>07 WORN OR SLICK TIRES</p> <p>08 TRAILER EQUIPMENT DEFECTIVE</p> <p>09 MOTOR TROUBLE</p> <p>10 DISABLED FROM PRIOR CRASH</p> <p>11 OTHER DEFECTS</p>	<p>NON-COLLISION</p> <p>01 OVERTURN/ROLLOVER</p> <p>02 FIRE/EXPLOSION</p> <p>03 IMMERSION</p> <p>04 JACKKNIFE</p> <p>05 CARGO/EQUIPMENT LOSS/SHIFT</p> <p>06 EQUIPMENT FAILURE</p> <p>07 SEPARATION OF UNITS</p> <p>08 RAN OFF ROAD RIGHT</p> <p>09 RAN OFF ROAD LEFT</p> <p>10 CROSS MEDIAN/CENTERLINE</p> <p>11 DOWNHILL RUNAWAY</p> <p>12 OTHER NON-COLLISION</p> <p>13 UNKNOWN NON-COLLISION</p> <p>COLLISION W/ PERSON, VEHICLE, OR OBJECT NOT EXERC</p> <p>14 PEDESTRIAN</p> <p>15 PEDALCYCLE</p> <p>16 RAILWAY VEHICLE</p> <p>17 ANIMAL - FARM</p> <p>18 ANIMAL - DEER</p> <p>19 ANIMAL - OTHER</p> <p>20 MOTOR VEHICLE IN TRANSPORT</p> <p>21 PARKED MOTOR VEHICLE</p> <p>22 WORK ZONE MAINTENANCE EQUIPMENT</p> <p>23 OTHER MOVABLE OBJECT</p> <p>24 UNKNOWN MOVABLE OBJECT</p> <p>COLLISION WITH FIXED OBJECT</p> <p>25 IMPACT ATTENUATOR/CRASH CUSHION</p> <p>26 BRIDGE OVERHEAD STRUCTURE</p> <p>27 BRIDGE PIER OR ABUTMENT</p> <p>28 BRIDGE PARAPET</p> <p>29 BRIDGE RAIL</p> <p>30 GUARDRAIL FACE</p> <p>31 GUARDRAIL END</p> <p>32 MEDIAN BARRIER</p> <p>33 HIGHWAY TRAFFIC SIGN POST</p> <p>34 OVERHEAD SIGN POST</p> <p>35 LIGHT/LUMINARIES SUPPORT</p> <p>36 UTILITY POLE</p> <p>37 OTHER POST, POLE OR SUPPORT</p> <p>38 CULVERT</p> <p>39 CURB</p> <p>40 DITCH</p> <p>41 EMBANKMENT</p> <p>42 FENCE</p> <p>43 MAILBOX</p> <p>44 TREE</p> <p>45 OTHER FIXED OBJECT</p> <p>46 WORK ZONE MAINTENANCE EQUIPMENT</p> <p>47 UNKNOWN FIXED OBJECT</p> <p>48 OTHER</p> <p>49 UNKNOWN</p> <p>FIRST HARMFUL EVENT</p>  <p>OF THE SEQUENCE OF EVENTS - WHICH ONE IS THE FIRST HARMFUL EVENT (1-4)</p> <p>01 NONE</p> <p>02 TEST REFUSED</p> <p>03 TEST GIVEN, CONTAMINATED SAMPLE/UNUSABLE</p> <p>04 TEST GIVEN, RESULTS KNOWN</p> <p>05 TEST GIVEN, RESULTS UNKNOWN</p> <p>06 UNKNOWN</p> <p>MOST HARMFUL EVENT</p>  <p>OF THE SEQUENCE OF EVENTS - WHICH ONE IS THE MOST HARMFUL EVENT (1-4)</p> <p>01 NONE</p> <p>02 TEST REFUSED</p> <p>03 TEST GIVEN, CONTAMINATED SAMPLE/UNUSABLE</p> <p>04 TEST GIVEN, RESULTS KNOWN</p> <p>05 TEST GIVEN, RESULTS UNKNOWN</p> <p>06 UNKNOWN</p> <p>ALCOHOL TEST STATUS</p> <p>1 NONE</p> <p>2 YES - ALCOHOL SUSPECTED</p> <p>3 YES - HBD NOT IMPAIRED</p> <p>4 YES - DRUGS SUSPECTED</p> <p>5 YES - ALCOHOL / DRUGS SUSPECTED</p> <p>6 UNKNOWN</p> <p>ALCOHOL TEST TYPE</p> <p>1 NONE</p> <p>2 BLOOD</p> <p>3 URINE</p> <p>4 BREATH</p> <p>5 OTHER</p> <p>ALCOHOL TEST RESULT</p> <p>1 STATED</p> <p>2 ESTIMATED SPEED</p> <p>SPEED</p> <p>1 STATED</p> <p>2 ESTIMATED SPEED</p>	<p>TRAFFIC CONTROL</p> <p>01 NO CONTROLS</p> <p>02 STOP SIGN</p> <p>03 YIELD SIGN</p> <p>04 TRAFFIC SIGNAL</p> <p>05 TRAFFIC FLASHERS</p> <p>06 SCHOOL ZONE</p> <p>07 RAILROAD CROSSBUCKS</p> <p>08 RAILROAD FLASHERS</p> <p>09 RAILROAD GATES</p> <p>10 CONSTRUCTION BARRICADE</p> <p>11 POLICE OFFICER</p> <p>12 PAVEMENT MARKINGS</p> <p>13 CROSSWALK LINES</p> <p>14 WALK/DON'T WALK SIGNAL</p> <p>15 TRAFFIC CONTROL DEVICE IN OPERATIVE, MISSING, OBSCURED</p> <p>16 OTHER</p> <p>DIRECTION</p> <p>1 NORTH</p> <p>2 SOUTH</p> <p>3 EAST</p> <p>4 WEST</p> <p>5 NORTHEAST</p> <p>6 NORTHWEST</p> <p>7 SOUTHEAST</p> <p>8 SOUTHWEST</p> <p>9 UNKNOWN</p> <p>CONDITION</p>  <p>1 APPARENTLY NORMAL</p> <p>2 PHYSICAL IMPAIRMENT</p> <p>3 EMOTIONAL</p> <p>4 ILLNESS</p> <p>5 FELL ASLEEP, FAINTED, FATIGUED, ETC</p> <p>6 UNDER THE INFLUENCE OF MEDICATIONS/DRUGS/ALCOHOL</p> <p>7 OTHER</p> <p>8 UNKNOWN</p> <p>ALCOHOL/DRUG SUSPECTED</p>  <p>1 NONE</p> <p>2 YES - ALCOHOL SUSPECTED</p> <p>3 YES - HBD NOT IMPAIRED</p> <p>4 YES - DRUGS SUSPECTED</p> <p>5 YES - ALCOHOL / DRUGS SUSPECTED</p> <p>6 UNKNOWN</p> <p>ALCOHOL TEST STATUS</p> <p>1 NONE</p> <p>2 YES - ALCOHOL SUSPECTED</p> <p>3 YES - HBD NOT IMPAIRED</p> <p>4 YES - DRUGS SUSPECTED</p> <p>5 YES - ALCOHOL / DRUGS SUSPECTED</p> <p>6 UNKNOWN</p> <p>ALCOHOL TEST TYPE</p> <p>1 NONE</p> <p>2 BLOOD</p> <p>3 URINE</p> <p>4 BREATH</p> <p>5 OTHER</p> <p>ALCOHOL TEST RESULT</p> <p>1 STATED</p> <p>2 ESTIMATED SPEED</p>	<p>DRUG TEST STATUS</p> <p>1 NONE</p> <p>2 TEST REFUSED</p> <p>3 TEST GIVEN, CONTAMINATED SAMPLE/UNUSABLE</p> <p>4 TEST GIVEN, RESULTS KNOWN</p> <p>5 TEST GIVEN, RESULTS UNKNOWN</p> <p>6 UNKNOWN</p> <p>DRUG TEST TYPE</p> <p>1 NONE</p> <p>2 BLOOD</p> <p>3 URINE</p> <p>4 OTHER</p> <p>DRUG TEST 1&2 RESULT</p> <p>1 NONE</p> <p>2 MARIJUANA</p> <p>3 COCAINE</p> <p>4 OPIATES</p> <p>5 AMPHETAMINES</p> <p>6 PCP</p> <p>7 OTHER</p> <p>8 UNKNOWN AT TIME OF REPORTING</p> <p>TYPE OF INTERSECTION</p> <p>01 NOT AN INTERSECTION</p> <p>02 FOUR-WAY INTERSECTION</p> <p>03 T-INTERSECTION</p> <p>04 Y-INTERSECTION</p> <p>05 TRAFFIC CIRCLE/ROUNDABOUT</p> <p>06 FIVE-POINT, OR MORE</p> <p>07 ON RAMP</p> <p>08 OFF RAMP</p> <p>09 CROSSOVER</p> <p>10 DRIVEWAY ACCESS</p> <p>11 RAILWAY GRADE CROSSING</p> <p>12 SHARED-USE PATHS OR TRAILS</p> <p>13 UNKNOWN</p> <p>OCCURRENCE</p> <p>1 ON ROADWAY</p> <p>2 ON SHOULDER</p> <p>3 IN MEDIAN</p> <p>4 ON ROADSIDE</p> <p>5 ON GORE</p> <p>6 OUTSIDE TRAFFICWAY</p> <p>7 UNKNOWN</p> <p>ROAD CONTOUR</p> <p>1 STRAIGHT LEVEL</p> <p>2 STRAIGHT GRADE</p> <p>3 CURVE LEVEL</p> <p>4 CURVE GRADE</p> <p>ROAD CONDITIONS</p> <p>01 DRY</p> <p>02 WET</p> <p>03 SNOW</p> <p>04 ICE</p> <p>05 SAND, MUD, DIRT, OIL, GRAVEL</p> <p>06 WATER (STANDING, MOVING)</p> <p>07 SLUSH</p> <p>08 DEBRIS**</p> <p>09 RUT, HOLES, BUMPS, UNEVEN PAVEMENT**</p> <p>10 OTHER</p> <p>11 UNKNOWN</p> <p>**SECONDARY ROAD CONDITIONS ONLY</p>

53

OHIO TRAFFIC ACCIDENT - DIAGRAM/NARRATIVE CONTINUATION

OH - 2

LOCAL REPORT NUMBER 08-053	REPORTING AGENCY Richland County Sheriff's Office	DATE OF ACCIDENT M 06 10 07 Ly 08
IN COUNTY OF Richland	ACCIDENT LOCATION 3915 Faulk Rd.	

On 06/07/2008 at approximately 1656 hours this Officer received a call from dispatch. Dispatch advised of a very bad ATV crash on Faulk Rd. Dispatch advised the Driver/Female was very intoxicated and this was possibly going to be fatal. Dispatch advised that along the driver there were two small children and one was probably not going to make it per the Hospital. Dispatch advised that two were already life-flighted to Cleveland. Dispatch advised that per Ashland Hospital the crash occurred at 1539 Faulk Rd. Dispatch advised that this was not in our County but Ashland Post and Sheriff's Office both advised it was not theirs either. This Officer advised dispatch that this Officer would go to the area find the crash and then decide who's it was.

This Officer arrived in the area and could not locate 1539 in our County. This Officer did find OSP Ashland and Ashland County also in the area looking. All Officers made contact at several residences and no one knew anything. This Officer then advised that the vehicle involved was a Yamaha Rhino. This Officer then remembered back in April that this Officer was at address not marked for a 10-45 and there were no houses but two campers and a Rhino. This Officer then advised the other two Officers of the same and went to the location.

This Officer then observed a green Yamaha Rhino in the wooded area that appeared to have some damage. Officers then looked around the area and observed that this was the correct location because you could tell that the Rhino had crashed and there was a small amount of blood on the ground and on the passenger's side roll bars of the Rhino. The Officer then advised dispatch of the location and that it was the departments. OSP and Ashland both left and Deputy Kotterman arrived. This officer had Deputy Kotterman block the path into the woods and no one was aloud in. This Officer then contacted Deputy Alfrey and he was advised to go to Ashland Samaritan Hospital and see what he could find out about the crash and get any statements. This Officer then contacted the Crime Lab and got then started to this location. This Officer then took a lot of photos and waited for the Crime Lab. This Officer then Assisted Capt. Bosko process the scene. Deputy Alfrey then arrived on the scene and advised what he had learned and assisted with finishing up processing the scene. This Officer then contacted Brent Robinson of the Prosecutor's Office and advised him of the incident. This Officer also contacted Lt. Strine and advised her of the incident and she was going to take the case over. The Rhino was then towed by Shelly Smith's and held as evidence. See other Officers involved supplements for further.

OFFICER'S SIGNATURE

X-51-2571

BADGE NUMBER

711

Task Number: 090520HCC2635

Date: 8/6/09

Status of Missing Document(s)

The official records below were requested for this investigation report, but could not be obtained.

1. photo, 4-wheeled utility vehicle
2. _____
3. _____
4. _____

Date: 8/6/09 Investigator No. 8925

Regional Office: _____ Supervisor No. _____



Cuyahoga County Coroner's Office
 11001 Cedar Avenue, Cleveland, Ohio 44106
CORONER'S VERDICT

Frank P. Miller III, M.D.
 Coroner

**THE STATE OF OHIO,
 SS.
 CUYAHOGA COUNTY**

CASE NUMBER: IN2008-01587

Be it Remembered, That on the **16th** day of **June, 2008** information was given to me, **Frank P. Miller III M.D.**, Coroner of said County, that the dead body of **a woman** supposed to have come to **her** death as the result of criminal or other violent means, or by casualty, or by suicide, or suddenly when in apparent health, or in any suspicious or unusual manner, (Sec. 313-11, 313-12 R.C. Ohio) had been found **in MetroHealth Medical Center in Cleveland** of Cuyahoga County, on the **16th** day of **June, 2008**.

I viewed or caused to be viewed the said body at the Coroner's Office. After the viewing and making inquiry into the circumstances that caused the death of the said person, I obtained further information, to-wit: **(RCSO #07000) (SH #101210383) (MHMC #5402641)**. I also carefully examined or caused to be examined the said dead body at **8:15AM** on the **17th** day of **June, 2008** and I find as follows: to wit:

I, **Frank P. Miller III M.D.**, Coroner of said county, having diligently inquired, do true presentment make in what manner **(b)(3):CPSA Section 25(c)** whose body was at the Coroner's Office on the **17th** day of **June, 2008** came to **her** death. The said **(b)(3):CPSA Section 25(c)** was **single, 3 years** of age, a resident of **Sandusky, Erie County, Ohio**, and a native of **Ashland, Ohio**; was of the **white** race, and had **hazel** eyes, **brown** hair, -- beard, -- mustache, was **39 inches** in height, and weighed **36 pounds**.

Upon full inquiry based on all the known facts, I find that the said **(b)(3):CPSA Section 25(c)** came to **her** death officially on the **16th** day of **June, 2008** in MetroHealth Medical Center and was officially pronounced dead at 3:14 P.M., by Dr. Johnson. There is history that on June 7th, 2008, the said **(b)(3):CPSA Section 25(c)**, Sandusky, Erie County, Ohio, was a passenger on a Yamaha Rhino All Terrain Vehicle, operated by her mother, **(b)(6)**, traveling on the property of 3915 Fulk Road, Weller Township, Ohio, when an accident occurred. This girl was transported, by private auto, to Samaritan Hospital, Ashland, Ohio where she was admitted to the Emergency Room at 3:48 P.M., with multiple trauma. Treatment and drug therapy were administered, the Richland County Sheriff's Office was notified, and on this same date, a Life Flight Unit was requested. The said **(b)(3):CPSA Section 25(c)** was then heliported to MetroHealth Medical Center where she was admitted for further medical attention. Treatment and drug therapy were continued, an operative procedure was performed, and ventilator support was applied. Supportive care was maintained, however this girl failed to respond and was pronounced dead at the aforementioned time and date. The County Coroner's Office was notified and Advance Ambulance was dispatched. The said **(b)(3):CPSA Section 25(c)** was then transported to the Coroner's Office where an autopsy was performed. That death in this case was the end result of acute bronchopneumonia and anoxic encephalopathy due to blunt third cervical vertebral distraction injury with transmural contusion and necrosis of upper cervical spinal cord, sustained in an all terrain vehicle - fixed objects collision, and was a non-traffic accident.

Cause of Death :

Due To:

Acute bronchopneumonia and anoxic encephalopathy.

Blunt third cervical vertebral distraction injury with transmural contusion and necrosis of upper cervical spinal cord.

ALL TERRAIN VEHICLE-FIXED OBJECTS ACCIDENT, PASSENGER. NON-TRAFFIC.

CORONER'S OFFICE, CUYAHOGA COUNTY, OHIO

Autopsy Protocol

NAME Morgan Paige Springer

CASE NO. IN2008-01587

AUTOPSY NO. IN2008-01587

DATE June 17, 2008

**FRANK P. MILLER III, M.D.
CORONER**



Cuyahoga County Coroner's Office
11001 Cedar Avenue, Cleveland, Ohio 44106
REPORT OF AUTOPSY

Frank P. Miller III, M.D.
Coroner

**THE STATE OF OHIO,
SS.
CUYAHOGA COUNTY**

CASE NUMBER: IN2008-01587

REPORT OF AUTOPSY OF: (b)(3):CPSA Section 25(c)
ADDRESS: (b)(6)

I, **Frank P. Miller III M.D.**, Coroner of Cuyahoga County, Ohio, Certify that on the **17th** day of **June, 2008** at **10:05 AM** in accordance with Section 313.13 of the Revised Code, of the State of Ohio, an autopsy was performed on the body of (b)(3):CPSA Section 25(c)

The following is the report of autopsy to the best of my knowledge and belief: This person was a **female, single**, aged **3 years**, of the **white** race; had **hazel** eyes, **brown** hair, **good** teeth, was **39 inches** in height, weighing **36 pounds**; a native of **Ashland, Ohio**.

- I. Blunt third cervical vertebral distraction injury (June 7, 2008)
 - A. Transmural contusion and necrosis of upper cervical spinal cord
 - B. Cardiac arrest with resuscitation
 1. Anoxic encephalopathy
 2. Diffuse cerebral edema
 - C. Application of multi-pin halo and closed reduction of third cervical vertebral fracture requiring manipulation (June 8, 2008)
 - D. Posterolateral fusion of third and fourth cervical vertebrae (June 13, 2008)
 - E. Acute bronchopneumonia
- II. Blunt impacts to trunk and extremities with contusions of left pelvis, left lower arm, and lower legs
- III. Therapeutic procedures
 - A. Recent right thoracostomy
 - B. Indwelling urinary bladder catheter and three intravascular catheters
 - C. Venipuncture wounds of extremities

Cause of Death : Acute bronchopneumonia and anoxic encephalopathy.

Due To: Blunt third cervical vertebral distraction injury with transmural contusion and necrosis of upper cervical spinal cord.

ALL TERRAIN VEHICLE-FIXED OBJECTS ACCIDENT, PASSENGER. NON-TRAFFIC.

Case: **IN2008-01587**
 Name: (b)(3):CPSA Section 25(c)

County: **Cuyahoga**

Expired in MetroHealth Medical Center and was pronounced dead at 3:14 P.M., on June 16, 2008.

GROSS ANATOMIC DESCRIPTION

EXTERNAL EXAMINATION: The body is that of a well-developed, adequately nourished white female, whose appearance is compatible with the reported age of 3 years. The body weighs 36 pounds, and is 39 inches in length. The head circumference is 19 $\frac{3}{4}$ " (50.2 cm).

The body is in moderate rigor mortis. Faint lividity is dorsal and unfixated. The skin temperature is cold.

The scalp hair is brown, of long length, has been recently shaved over the lower occipital scalp. The conjunctivae are clear, the corneas are clear, and the irides are blue. The pupils are unremarkable. The ears, nose, and mouth show no abnormalities. The deciduous teeth are natural and in good condition. The neck is of normal configuration, and there are no palpable masses. The thorax is symmetrical and normal in configuration. The areolas are soft and flat. The abdomen is soft and flat. The external genitalia are of normal child female conformation, and there are no external lesions. The extremities appear normal, and the joints are not deformed. All digits are present. The skin is of normal pliability and texture and presents no significant lesions. There is no icterus.

SCARS AND IDENTIFYING MARKS: None noted.

EXTERNAL AND INTERNAL EVIDENCE OF RECENT THERAPY:

1. Four pink-yellow abraded contusions, between 3/16" and 1/4" in greatest diameter, are over the bilateral lower forehead.
2. A 1 1/2" longitudinal incised wound, closed with subcutaneous sutures and covered with multiple steri strips, is in the posterior neck midline. The margins of the incised wounds are smooth, dry, and purple, and there are scattered purple petechiae in the skin around the incised wound. The subcutaneous soft tissues of the posterior neck are moist with no evidence of necrosis or abscess formation. Metallic wires are in the posterior 3rd and 4th cervical vertebrae.
3. A 1/2" transverse incised wound, covered by a gauze pad secured with tape, is in the right lateral mid-section of the thorax.
4. A urinary bladder catheter is in proper position.
5. A 3-lumen intravascular catheter punctures the skin of the right inguinal pelvis, is secured with sutures, and is covered with tape.
6. An intravascular catheter punctures the skin of the dorsal right hand and is secured with tape.
7. An intravascular catheter punctures the skin of the dorsal left foot and is secured with tape.
8. Multiple puncture wounds, most surrounded by gray and purple ecchymoses, are clustered within the right antecubital fossa, within the radial aspect of the volar distal lower arms, within the dorsal left hand, within the anterior proximal lower legs, and within the dorsal right foot.

EXTERNAL AND INTERNAL EVIDENCE OF RECENT INJURY:

1. A 4" x 3" dark red contusion is in the deep left occipital scalp tissues.
2. Intramuscular hemorrhages are in the paracervical spinal muscles, more prominent on the right, and a few intramuscular hemorrhages are in the anterior neck strap muscles.
3. A 1 cm wide, brown-red, soft and transmural contusion is in the upper cervical spinal cord.

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4. A 1" x 1/2" purple-blue contusion is over the left anterior superior iliac spine of the pelvis.
5. A 3/8" x 3/8" purple-pink contusion is over the dorsal proximal left lower arm.
6. A 3/8" x 1/4" purple contusion is over the anteromedial mid-section of the right lower leg.
7. A 1/4" x 1/4" purple contusion is over the anterior proximal left lower leg.

The above injuries are numbered by convention from the top downward, and the numbering is not intended to imply the sequence in which the injuries may have been sustained. The above injuries, once having been described, will not be referred to below. The remainder of the external examination of the head, neck, trunk, and extremities is unremarkable.

Case: **IN2008-01587**County: **Cuyahoga**

Name: (b)(3):CPSA Section 25(c)

INTERNAL EXAMINATION: The body is opened by means of the usual "Y" and biparietal incisions. The viscera of the thoracic and abdominal cavities occupy their normal sites. The serous surfaces are smooth and glistening. No fluids are present within the pericardial sac, right or left pleural cavities, or abdominal cavity. There are no abnormal masses present. The diaphragmatic leaves are normally situated. The margins of the liver and spleen are in proper relationship to their costal margins. The weights of the organs are as follows and, unless specified below, show no additional evidence of congenital or acquired disease.

Heart-100 grams,
Right lung-270 grams,
Left lung-240 grams,
Spleen-80 grams,
Liver-800 grams,
Right kidney-60 grams,
Left kidney-70 grams,
Brain-1140 grams.

NECK: The neck organs are excised en bloc and examined separately. The surface of the tongue and serial cross sections through the tongue show no gross abnormalities. The larynx and trachea have a normal caliber and are free of obstruction. The laryngeal mucosa is soft and pink-red. The tracheal mucosa is soft and red, and has been denuded over the tracheal cartilaginous rings to reveal dull gray cartilaginous surfaces. The cervical spine is intact with no palpable fractures. The hyoid bone and tracheal cartilage are intact.

CARDIOVASCULAR:

Heart: The heart is normal in configuration. The coronary arteries have a normal anatomic distribution, and multiple cross sections show no narrowing of lumina and no evidence of thrombosis. The epicardium is smooth and glistening. There is a normal amount of epicardial fat and its distribution is normal. The great vessels enter and leave the heart in a normal manner. The cardiac chambers have a normal configuration. The septa are intact, and there are no congenital abnormalities. The myocardium is of normal consistency and appearance. The left and right ventricles are 0.8 cm and 0.3 cm thick, respectively. The heart valves are thin, pliable, and delicate, and are free of deformity. Valve circumferences are as follows: tricuspid valve = 7.5 cm, pulmonic valve = 4.0 cm, mitral valve = 6.0 cm, and aortic valve = 3.5 cm.

Aorta and its major branches: The aorta and its principal branches are patent throughout. There are no thrombi, areas of erosion, or zones of narrowing present.

Venae cavae and their major tributaries: The superior and inferior venae cavae and their major tributaries are patent throughout. No areas of extrinsic or intrinsic stenosis are present.

RESPIRATORY: The major bronchi have a normal caliber and are filled with creamy gray turbid fluid. The right and left lungs have a normal lobar configuration. The visceral pleura is smooth and glistening. There are no subpleural emphysematous bullae. The pulmonary arteries are free of emboli and thrombi. The lungs are non-crepitant throughout. The lower lobar parenchyma is brown and pink, and solid. The remainder of the lung parenchyma is red and tan with patchy areas of consolidation.

RETICULOENDOTHELIAL: The spleen has a normal configuration. The capsule is blue-gray and smooth, without areas of thickening. On section, the splenic pulp is of normal consistency and appearance. No abnormal lymph nodes are encountered.

DIGESTIVE: The esophagus is free of lesions. The stomach has a normal configuration. The serosa is smooth and glistening. The wall is of normal thickness and the mucosa is thrown into rugal folds. There are no areas of ulceration. The stomach contains approximately 80 ml of gray-brown watery liquid. The duodenum is free of ulceration and other intrinsic lesions. The remainder of the small bowel, the colon, and the rectum are normal in appearance. The appendix is present and is unremarkable.

HEPATOBIILIARY:

Liver: The capsule is smooth and glistening. The liver configuration is normal. Multiple cross sections through the liver reveal a normal lobular pattern.

Case: **IN2008 04587**
Name: **(b)(3),CPSA Section 25(c)**

County: **Cuyahoga**

Gallbladder: The gallbladder is of normal size and configuration. The wall is thin and the mucosa is bile-stained. It contains approximately 13 ml of bile. No calculi are present.

PANCREAS: The pancreas is firm and normally lobulated. Multiple cross sections through the pancreas reveal normal tan-pink parenchyma without intrinsic lesions.

GENITOURINARY SYSTEM:

Kidneys: The right and left kidneys are similar. The capsules strip with ease to reveal smooth subcapsular surfaces. The renal arteries and veins are patent and free of stenosing lesions. On section, the renal cortices are of normal thickness and the cortico-medullary demarcations are distinct. The medullae are unremarkable. The pelvo-calyceal systems are normal in appearance. The ureters are unremarkable.

Bladder: The bladder is of normal configuration. The mucosa is intact and free of ulcerations or other lesions. It contains no urine.

Gynecological system: The vaginal mucosa is smooth, tan, and free of lesions. The cervical os and cervical mucosa are unremarkable. The endometrial cavity is of normal configuration and the endometrium is tan and flat. The myometrium is normal. There are no parametrial lesions. The fallopian tubes are thin-walled, pliable, and free of lesions. The ovaries are symmetrical and unremarkable.

ENDOCRINE SYSTEM: No abnormalities are present in the pituitary, thyroid, or adrenal glands.

MUSCULOSKELETAL: The axial and appendicular skeleton show no abnormalities. The exposed musculature is unremarkable.

HEAD/BRAIN: The right scalp shows no evidence of contusions or galeal hemorrhages. The skull is intact. The dura is smooth and glistening. The convexities of the cerebral hemispheres are symmetrical. The leptomeninges are thin and transparent. The subarachnoid space does not contain any hemorrhage. The cerebrum presents normal convolutions, with diffuse flattening of the gyri and diffuse narrowing of the sulci. There is no evidence of subfalcial, uncal, or cerebellar tonsillar herniation present. The major cerebral arteries are normally developed and show no congenital anomalies. The roots of the cranial nerves are unremarkable. The cerebral hemispheres have dusky pink surfaces that are most prominent over both occipital lobes. Serial coronal sections through the cerebral hemispheres show a grossly normal brown cortical ribbon and underlying white matter. The basal ganglia and diencephalon show no gross abnormalities. Serial cross sections through the brainstem and sagittal sections through the cerebellum fail to show any gross lesions or abnormalities. The ventricular system is symmetrical with severe compression of the lateral ventricles. After removal of the brain, the base of the skull does not demonstrate any fractures.

SPINAL CORD: Most of the spinal cord is smooth, white, and glistening. The lower cervical spinal cord central tissues are soft and dark brown. Serial cross sections through the remainder of the spinal cord show normal gray-white demarcations.

MICROSCOPIC DESCRIPTION

TRACHEA: Segmental loss of epithelium with replacement with fibrinopurulent exudate

LUNGS: Diffuse air space neutrophils, macrophages, and fibrin

BRAIN:

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Neuronal ischemic changes of dentate and olivary nuclei

Case: **IN2008-01587**
Name: **(b)(3):CPSA Section 25(c)**

County: **Cuyahoga**

CERVICAL SPINAL CORD: Organizing hemorrhage within leptomeninges
Transmural necrosis with axonal balls, neutrophils,
macrophages, reactive astrocytosis and capillary
proliferation

HEART, LIVER, KIDNEY: No significant pathological changes.



Joseph A. Felo, D.O.



Date



Toxicology Laboratory Report
Office of the Cuyahoga County Coroner
11001 Cedar Avenue, Cleveland, Ohio 44106

M
/ Initials

Page 1 of 3

Case Number:	IN2008-01587	Report Date :	Monday, September 15, 2008 07:52
Autopsy Number :	(b)(3):CPSA Section 25(c)	Accession Date :	Tuesday, June 17, 2008
Name :		Pathologist :	J. A. Felo, DO

Specimens Received

B1: Heart Blood	F1: Femoral Blood	G1: Gastric	I1: Bile
R1: Long Term Storage Blood	V1: Vitreous Humor		

Comment :

B1: Heart Blood Analysis

<u>Drug Group / Class</u>	<u>Result</u>	<u>Quantitation</u>	<u>Analyte(s)</u>
Volatiles	None Detected		See Page 3, Group 1
Bases	None Detected		See Page 3, Group 8
Acetaminophen Screen	None Detected		See Page 3, Group 9
Salicylate Screen	None Detected		See Page 3, Group 10
Opiates by GC/MS	Positive		See Page 3, Group 19
Morphine	Positive	276 mcg/L (ng/mL)	

F1: Femoral Blood Analysis

<u>Drug Group / Class</u>	<u>Result</u>	<u>Quantitation</u>	<u>Analyte(s)</u>
Acid Neutral	None Detected		See Page 3, Group 19
Opiate ELISA Screen	Positive		See Page 3, Group 7
Bases	QNS		See Page 3, Group 8

G1: Gastric Contents Analysis

<u>Drug Group / Class</u>	<u>Result</u>	<u>Quantitation</u>	<u>Analyte(s)</u>
No Test Performed			

I1: Bile Analysis

<u>Drug Group / Class</u>	<u>Result</u>	<u>Quantitation</u>	<u>Analyte(s)</u>
Opiate Hydrolysis GC/MS			See Page 3, Group 19

R 1: Long Term Storage Blood Analysis

<u>Drug Group / Class</u>	<u>Result</u>	<u>Quantitation</u>	<u>Analyte(s)</u>
No Test Performed			

Toxicology Laboratory Report
Office of the Cuyahoga County Coroner
11001 Cedar Avenue, Cleveland, Ohio 44106

M
 Initials

Page 2 of 3

Case Number: IN2008-01587 Autopsy Number : (b)(3):CPSA Section 6(a) Name :	Report Date : Monday, September 15, 2008 07:52 Accession Date : Tuesday, June 17, 2008 Pathologist : J. A. Felo, DO
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Specimens Received

B1: Heart Blood F1: Femoral Blood G1: Gastric I1: Bile
 R1: Long Term Storage Blood V1: Vitreous Humor

V 1: Vitreous Humor Analysis

<u>Drug Group / Class</u>	<u>Result</u>	<u>Quantitation</u>	<u>Analyte(s)</u>
Volatiles	None Detected		See Page 3, Group 1

Toxicology Laboratory Report
Office of the Cuyahoga County Coroner
11001 Cedar Avenue, Cleveland, Ohio 44106

Analytes included in Drug Groups / Class

- 1) **Ethanol and Other Volatiles**
 Acetaldehyde, Acetone (LRL = 5 mg/dL), Acetonitrile, Butane, Chloroethane, Chloroform, Dichloromethane, Ethanol (LRL = 0.02 g/dL), Ethyl Acetate, Formaldehyde, Isopropanol (LRL = 20 mg/dL), Methane, Methanol (LRL = 20 mg/dL), Peroxide, Propane, Toluene, ETHANOL CONFIRMATION by Enzyme Assay (Qualitative), ACETONE CONFIRMATION by Colorimetry (Qualitative), ISOPROPANOL CONFIRMATION by Colorimetry (Qualitative), METHANOL CONFIRMATION by Colorimetry (Qualitative), FORMALDEHYDE CONFIRMATION by Colorimetry (Qualitative), VOLATILES BY GC/MS (Confirmation)
- 2) **Sedatives, Hypnotics and Anti-Epileptic Drugs**
 Amobarbital, Butabarbital, Butalbital, Caffeine, Carbamazepine, Carisoprodol, Glutethimide, Ibuprofen, Mephenytoin, Meprobamate, Naproxen, Pentobarbital, Pentoxifylline, Phenobarbital, Phenytoin, Primidone, Secobarbital, Theophylline, ACID NEUTRAL CONFIRM (Confirmation by GC/MS)
- 3) **Carbon Monoxide***
 Carbon Monoxide by Co-Oximetry: Carbon Monoxide (LRL = 6% saturation), Methemoglobin, Hemoglobin CO (CARBON MONOXIDE) CONFIRMATION by Microdiffusion (Qualitative limit of detection = 20% saturation)
- 4) **Glycols***
 Ethylene Glycol, Propylene Glycol
- 5) **Cyanide***
 Cyanide
- 6) **EMIT® Immunoassay Screening Tests**
 EMIT®: Amine Class Immunoassay- Target = d-Amphetamine, cutoff= 300 ng/mL, EMIT®: Benzodiazepines Immunoassay- Target = Oxazepam, cutoff = 200ng/mL, EMIT®: Cannabinoids Immunoassay- Target= 11-nor- Δ^9 -THC-COOH (a marijuana metabolite), cutoff= 50 ng/mL, EMIT®: Cocaine Metb. Immunoassay- Target = Benzoylcegonine (a cocaine metabolite), cutoff=300 ng/mL, EMIT®: Opiates Immunoassay- Target= Morphine, cutoff= 300 ng/mL, EMIT®: Phencyclidine Immunoassay- Target = Phencyclidine, cutoff = 25 ng/mL
- 7) **Opiate ELISA Screen**
 OPIATES IMMUNOASSAY - Immunoassay modified for Blood/Bile, Target = Morphine, cutoff = 20 ng/mL (blood); 200 ng/mL (bile)
- 8) **Depressants, Anihistamines and Other Drugs (LRL = 0.05 mg/L except as noted)**
 Alprazolam, Amantadine, Amitriptyline, Amoxapine, Amphetamine, Atropine, Benzotropine, Brompheniramine, Bupivacaine, Bupropion, Bupropion Metabolites (LRL=0.1 mg/L), Busprone, Caffeine, Carboxamine, Chlorophenylpiperazine, Chlorpheniramine, Chlorpromazine, Clitalopram, Clomipramine, Clozapine, Cocacethylene, Cocaine, Codeine (LRL = 0.2 mg/L), Colimine, Cyclizine, Cyclobenzaprine, Desalkylflurazepam, Desipramine, Desmethyl, Chloridazepoxide, Desmethyl Clomipramine, Desmethyl Clozapine, Desmethyl Sertraline, Desmethyl Venlafaxine (LRL= 0.5 mg/L), Dextromethorphan, Diazepam, Diethylpropion, Diphenhydramine Disopyramide, Diliazem, Doxepin, Doxylamine, Exgonine methyl ester, Ephedrine/Pseudoephedrine, Fenfluramine, Fentanyl (10 ng/mL), Fluoxetine, Fluvoxamine, Guaifenesin, Haloperidol, Hydrocodone, Hydroxyzine, Imipramine, Ketamine, Laudanosine, Lidocaine mb (MEGX), Loxapine, Maptroline, Medizine, Mependine, Mephentermine, Mescridazine, Methadone, Methadone primary mb (EDDP), Methadone secondary mb (EDDP), Methamphetamine, Methylenedioxyamphetamine (MDA), Methylenedioxyamphetamine (MDMA), Methylphenidate, Metoprolol (LRL=0.2mg/L), Mexiletine, Midazolam (LRL=0.2mg/L), Mirtazapine, Nefazodone, Nicotine, Nordiazepam, Nordoxopin, Norflupoxetine, Normeperidine, Norpropoxyphene (LR=0.1 mg/L), Nortriptyline, Norverapamil, Olanzapine, Orphenadrine, Oxycodone, Papaverine, Paroxetine, Pentazocine, Peritroline, Perphenazine, Phencyclidine, beta-Phenethylamine, Pheniramine, Phendimetrazine, Phenmetrazine, Phentermine, Phenylpropranolamine, Phenytoxamine, Procaine, Promethazine (LRL = 0.2 mg/L), Propoxyphene, Propranolol, Protriptyline, Pyrilamine, Quetiapine, Quinidine, Quinine (LRL=0.2 mg/L), Sertraline, Thioridazine, Tramadol, Tranylcypromine, Trazodone, Trihexyphenidyl, Trilmpramine, Triptennamine, Venlafaxine, Verapamil, Zolpidem, BASIC DRUGS BY GC/MS (Confirmation)
- 9) **Acetaminophen**
 ACETAMINOPHEN SCREEN by Colorimetry (Qualitative)
- 10) **Salicylate (Asprin)**
 SALICYLATE SCREEN by Colorimetry (Qualitative), SALICYLATE CONFIRMATION
- 11) **Ethchlorvynol**
 ETHCHLORVYNOL SCREEN by Colorimetry (Qualitative), ETHCHLORVYNOL CONFIRMATION
- 12) **Chloral Hydrate**
 Trichloroethanol, CHLORAL HYDRATE CONFIRMATION: Trichlorethanol
- 13) **Heavy Metal Screen**
 Antimony, Arsenic, Bismuth, Mercury
- 14) **Xantines by HPLC**
 Acetaminophen, Caffeine, Theophylline
- 15) **Clinical Chemistries**
 Bicarbonate, Creatinine, Glucose, pH, Specific Gravity, Urea Nitrogen, Electrolytes
- 16) **Glucose Ketone Bodies**
 Urine Glucose, Urine Ketone Bodies
- 17) **Cocaine and Metabolites**
 COCAINE/MTB GC/MS (mg/mL; mcg/L): Anhydroecgonine methyl ester (AEME), Benzoylcegonine (BE, a cocaine metabolite), Cocaine, Cocacethylene, Ecgonine methyl ester (EME, a cocaine metabolite)
- 18) **Cannabinoids**
 CANNABINOIDS GC/MS (ng/mL; mcg/L) Δ^9 -THC, 11-OH- Δ^9 -THC (a marijuana metabolite), 11-nor- Δ^9 -THC-COOH (a marijuana metabolite), TOTAL 11-nor- Δ^9 -THC COOH (a marijuana metabolite)
- 19) **Opiates**
 OPIATE HYDROLYSIS GC/MS - Hydrolysis followed by OPIATES BY GC/MS, OPIATES BY GC/MS (ng/mL; mcg/L): 6-Acetylmorphine (a heroin metabolite), Codeine, Dihydrocodeine, Hydrocodone, Hydromorphone, Morphine, Narcocodeine, Oxycodone
- 20) **Benzodiazepine Confirmation by GC/MS**
 Alprazolam / metabolite, diazepam / metabolite, clonazepam, lorazepam, midazolam / metabolite, triazolam
- 21) **Amine Confirmation GC/MS**
 Amantadine, Amphetamine, Beta-phenethylamine, Mephentermine, Methamphetamine, Methylenedioxyamphetamine (MDA), Methylenedioxyamphetamine (MDMA), Phentermine, Phenylpropranolamine, Pseudo / ephedrine
- 22) **GHB by GC/MS (mg/L)**
 Gamma-hydroxybutyric acid (gamma hydroxybutyrate)
- 23) **Fentanyl by GC/MS (ng/mL)**
 Fentanyl, sufentanil, alfentanil

SENT TO REFERENCE LAB (FOR TESTING): BY REQUEST ONLY e.g. Epinephrine, 7-amino Flunitrazepam, Flunitrazepam, IgE (Insulin, LSD, Nelepidine, c-Peptide, Psilocin, Risperidone, Tryptase, Werfain, Valproic Acid

ABBREVIATIONS: POS = POSITIVE; UNS = Specimen unsuitable for Testing, QNS = Quantity insufficient for analysis;

CHEM7 = Clinical Chemistry; < = less than; > = greater than; LRL = lower reporting limit.

UNITS: 0.1 mg/dL = 1000 mcg/L = 1000 ng/mL UNITS FOR VOLATILES: 1 mg/dL = 0.001 g/dL = 0.001 g/% = 0.001 g/100mL.

I certify that the specimens identified by this case, number IN2008-01587 have been handled and analyzed in accordance with all applicable requirements. The result in this report relate only to the items tested. For purposes of identification and case tracking the Toxicology Lab uses case numbers exclusively. Name is subject to change based on receipt of information.

Chief Forensic Chemist


 Dr. Mohammad Sarwar

CONTACT INFORMATION:

Contacted on 5/22/09

Richland County Sheriff
597 Park Ave East
Mansfield, OH 44905
(419) 524-2412

Cuyahoga County Coroner
11001 Cedar Avenue
Cleveland, OH 44106
(216) 721-5610



Frank P. Miller III, M.D.
Coroner

ISSUE 31

11001 Cedar Avenue
Cleveland, OH 44108
(216) 721-5610

TC-32
S-21

Vital Statistics Report

Case Number: IN2008-01587

Autopsy Number: POST

Name: (b)(3): CPSA Section

AKA:

Gen Typist: Wlosowicz, Toni
Pathologist: Felo D.O., Joseph A.
Med Typist: Alberico, Agnes
Investigator: Hubbard, Amanda

Morgue Fee: Paid

Death Date and Time: 6/16/2008 3:14 PM

Probable Death Date:

Place of Death: in MetroHealth Medical Center

Pronounced By: Nichole Johnson

Body Received From:

Convey By: Advance Ambulance

Body Rcvd Date and Time: 6/16/2008 9:44 PM

Viewed Date and Time: 6/17/2008 8:15 AM

Gender: Female

Race: White

Teeth: good

Age: 3 years

Weight: 36

Beard: -

Eyes: hazel

Hair: brown

Name of Spouse:

Place of Employment: -

Birth Date: 10/11/2004

Father's Name: Kenneth Springer

Name of Informant: Kenneth Springer

Informant Address: 1527 Hayes Avenue #1 Sandusky Ohio 44870

Funeral Director: Toft Funeral Home & Crematory

Funeral Director Address: 2001 Columbus Avenue Sandusky Ohio 44870

Burial: Cremation: Other: Other Reason:

Burial Place: Oakland Cemetery

Burial Place Address: Sandusky Ohio

Associated Cases:

History: On 6-7-08 Pt. was a passenger on an ATV with mother driving at a property located at 3915 Fulk Rd., Weller Twp, Richland County. The driver struck a tree stump, the pt. fell off and mother landed on top of her. It is unknown if helmets were worn. Family drove mother and pt to Samaritan Hospital (in Ashland) Pt. had a C1-C4 fracture and spinal cord injury, ruptured spleen. Mother sustained a cut to her head. The patient's 4 year old sister was also injured in the accident, and was treated and released from Samaritan Hosp. Both pt. and mother were life flighted from Samaritan to MHMC arrived at 1705. Pt. never recovered from accident, never regained consciousness. Surg 6-13-08 to attempt to fuse neck, unsuccessful.

Mother remained in-pt at MHMC until 6-13-08. Tox screen on that date + for ETOH and cocaine. Mother does not have custody of pt.

Father has full custody, lives in Sandusky - waiting for his address.

Ashland County Social Worker: Dawn Tackler 419-610-8192, 419-282-5073

Richland County Sheriff's Dept. jurisdiction [419-524-2412, 419-774-5678] conducted crime scene invest.

Left message for reporting officer, Sgt. Deb Strine, to call CCCO. She will fax crash report, supplemental report and statement in am 6-17-08.

Marks and Wounds:

Cause of Death: Acute bronchopneumonia and anoxic encephalopathy.
Due To: Blunt third cervical vertebral distraction injury with transmural contusion and necrosis of upper cervical spinal cord.

ALL TERRAIN VEHICLE-FIXED OBJECTS ACCIDENT, PASSENGER. NON-TRAFFIC.



Frank P. Miller III, M.D.
Coroner

CUYAHOGA COUNTY CORONER

11001 Cedar Avenue
Cleveland, OH 44106
(216) 721-5610

Vital Statistics Report

Case Number: IN2008-01587

Autopsy Number: POST

Name: (b)(3):CPSA Section 2

AKA:

Gen Typist: Wlosowicz, Toni

Pathologist: Felo D.O., Joseph A.

Med Typist: Alberico, Agnes

Investigator: Hubbard, Amanda

Manner: Accident

Injury Time: unknown PM

Describe How Injury Occurred: All Terrain Vehicle-fixed objects collision.

Injury Occurred at Work: No

Place of Injury: in woods, at

Describe How Injury Occurred: All Terrain Vehicle-fixed objects collision. Ashland-Richland -Ohio

DC Status:

DC Orig Date:

DC Pend Date: 6/20/2008

DC Supp Date: 8/11/2008

DC Filed At: Cleveland

DC Affi Date:

DC Memo:

DC Comment:

Body Disposition: burial

Indigent/Donate:

Body Disposition Comment:

Cuyahoga County Board of Health Notify:

Person Notify:

Date:

By:

696-KIDS Notify:

Person Notified:

Date:

By:

ID Number:

SIDS Notify Date:

By:

Fax Date:

SIDS Final DX Date:

By: Alberico, Agnes

Fax Date:

VER Amended Date:

FPD Amend Date:

Amend Comment:

TASK NUMBER 090521HWE8249



**U.S. CONSUMER PRODUCT SAFETY
COMMISSION**

WARNING

**AN INDIVIDUAL / AGENCY WHO PROVIDED
INFORMATION FOR THIS REPORT CONSIDERS
SOME OF THE DATA TO BE RESTRICTED.
PLEASE PROCESS THIS MATERIAL IN A
CAREFUL AND PRUDENT MANNER**

This In-Depth Investigation (IDI) was initiated from a news article pertaining to a UTV (Utility Terrain Vehicle) fatality. The following information was obtained from the police report, coroner's report, and the victim's friend. The UTV was transported to a local dealership by the next-of-kin. CPSC Investigator was able to obtain a repair estimate for the damaged UTV. Neither alcohol nor drugs were a factor in this incident.

According to the police and coroner's report, the victim was a 46 year-old Caucasian male, normally developed and overweight. His date of birth was 11/10/1962. The victim's height was 6'2, and he weighed 255lbs. He was a business owner of an All-Terrain-Vehicle (ATV) repair shop. He had established the business in 1987. He was an experienced recreational rider. According to his friend, the victim often raced motocross and watercraft. The victim did have plans to race the incident UTV, once he felt it was modified enough to compete.

According to the friend, the victim had personally done a lot of aftermarket modifications to the UTV's motor. The victim had personally installed a fuel injection system and bore out the piston cylinders, on the engine block. The friend stated he knew the victim had ordered a new suspension for the UTV, but it had not been installed.

On May 16, 2009, the victim and the friend were on a weekend camping trip, at a public lands recreational area. The elevation for the area is approximately 4275 feet. The landscape for the location consists of sand dunes, mud flats, rocky outcrops, and salt flats. The victim planned to ride the UTV and personally tune the engine, during the trip.

According to www.wunderground.com, the mean temperature for that day was approximately 66°F, and the maximum temperature was 78°F. There was zero precipitation. The winds were approximately 3mph with maximum gust of 10 mph. Visibility was approximately 10 miles.

According to the friend, at 1:00 p.m. on May 16, 2009, he and the victim started driving separate UTV's. The victim did not have any passengers, in the incident UTV. The friend states they drove beside each other the majority of the day. The riding area was approximately five miles of flat sand. The victim was not wearing a helmet but was wearing eye protection, because of the sand. The victim was wearing his factory installed seatbelt, at the time of the accident.

He recalls they drove off and on throughout the day. The victim was trying to tune the incident UTV's engine. When they were stopped, the victim would work on the engine. After the victim made the adjustments, they would drive to see if the adjustment worked. The friend believes they probably drove the UTV's for approximately four hours that day. The friend states the victim was try to adjust the UTV's speed and acceleration.

Around 8:00 p.m., the friend and victim decided to drive back to the camping area, which was approximately five miles away. They started riding back in an east direction, which put the sun at their backs. The friend states there was approximately one hour of day

light left, before the sun descended below the mountains. The friend remembers they were driving between 50 to 55 mph.

According to the friend, they were riding next to each other but decided to separate. The friend stayed in an east direction, and the victim drifted to the right in a southeast direction. The friend remembers looking back, at some point, and seeing the victim's UTV stopped. The friend figured the UTV might have broken down, so he turned around and went back towards the victim.

When he got to the victim's location, at approximately 8:15 p.m., he states it was obvious the victim had wrecked. He stated the UTV was in an upright position, and the victim was sitting upright in the driver's seat still seat belted. The friend noticed the victim was unconscious and immediately telephoned 911. He removed the victim from the UTV. The victim did not have any vital signs, so the friend began cardiopulmonary resuscitation, until medical personnel arrived.

According to the police report, police and the life flight crew arrived on scene, at 9:05 p.m. The life flight crew continued CPR on the victim. At 9:34 p.m., while still at the accident scene, the life flight crew pronounced the victim deceased. (See Exhibit 3)

The friend did give his opinion for the cause of the accident. He states he walked around the area, once medical personnel arrived. He noticed three sand embankments near the UTV. He describes the first embankment as approximately 12 inches in height and the second and third between 18 and 20 inches in height. He could not give an estimate on the spacing between the embankments. He believes the spacing and the speed the victim was traveling caused the UTV to go airborne. He states he never witnessed any of the accident.

According to the police report, the victim was traveling at a high rate of speed. He hit the embankments, mentioned above by the friend. The UTV went airborne approximately 16 feet and landed on its front passenger side tire. The impact caused the tire to blow, and the UTV to rollover. The police report did not give an estimate on how many times the UTV rolled or the type of rollover (i.e. side rollover or front rollover). The UTV came to a rest in an upright position on its wheels. The roll bar on the driver's side was bent in a V shape, towards the driver's seat. Police provided CPSC Investigator with three photographs of the incident UTV. (See Exhibit 1 Photographs 1-3) The police did not list any measurements for the embankments, in the police report.

According to the coroner's report, the victim died as a result of an atlanto-occipital separation fracture (variant of a neck fracture). The victim had multiple blunt force injuries. The victim had subarachnoid hemorrhages to the left cerebral and inferior hemispheres, extensive subgaleal contusions, abrasions to the left and right side of the neck, and sterna and right rib fracture, which could have been caused from CPR. (See Exhibit 2)

The victim's next-of-kin took the damaged UTV to a local dealership for repair. CPSC Investigator did obtain a copy of the repair estimate and additional photographs of UTV, while being repaired. (See Exhibit 4 and Exhibit 1 Photographs 4-7)

According to the service estimate, the total cost to return the UTV back to factory stock would be approximately \$5,541.31. This estimate does not include labor or taxes. The estimate is based on the noticeable modifications made by the victim, plus some of the damaged stock parts. The repair estimate was completed by a service technician, at the dealership.

PRODUCT IDENTIFICATION:

The product involved in this IDI is a 2008 **Kawasaki Teryx** 4x4 Utility Terrain Vehicle, model KRF750A. The VIN is JKARFDA178B501661. The manufacturer is Kawasaki, at Kawasaki Motors Corporation 9950 Jeronimo Road Irvine, CA 92618-2084. The retailer is Duff Shelley Kawasaki, at 260 E Main St American Fork, UT 84003-2410. The UTV was purchased new for \$10,500.99.

The UTV is red in color. The engine size is a 750cc. The UTV's engine had been modified by the victim. According to the service technician, the engine's carburetor, gasket heads, pistons, and cylinders were modified. There has been no modification to the suspension. The UTV was being driven by the victim with no passengers. The UTV was not towing any items or carrying any items in the cargo bed.

According to Kawasaki.com, the specifications are as follows:

- Engine is liquid-cooled, 90 degree, four-stroke V-twin
- Displacement is 749cc
- Compression Ratio 8:8:1
- Final drive is selectable four-wheel drive with variable front differential control shaft
- Front suspension/wheel is adjustable dual A-arm with gas charged shocks/7.5in
- Front tire is 26x8-12
- Front brakes are dual hydraulic discs with 2-piston calipers
- UTV length is 115.3in
- UTV height 75.0in
- Ground Clearance 11.3in
- Dry weight 1276.1 lbs

The service technician photographed the labeling on the incident UTV. However, the quality of the photographs does not allow CPSC Investigator to translate the operating instructions. (See Exhibit 1 Photographs 8-13)

Labeling for the parking brake and gears were legible and reads, "CAUTION Shifting incorrectly can damage transmission. Shift only when: engine is at slow idle (choke pushed in). Vehicle is completely stopped. PARKING BREAK RELEASE

INFORMATION ** TO RELEASE PARKING BRAKE, PUSH DOWN SLIGHTLY ON FOOT PEDAL WHILE PULL BACK ON RELEASE LEVER.”

The cargo label reads, “[WARNING Always be sure to secure cargo before operating to reduced the possibility of cargo moving forward into the occupant compartment during sudden maneuvers, rapid braking or collision. Always make sure any sharp edges on the cargo are covered to prevent contact with the occupants in the event the cargo moves forward.”

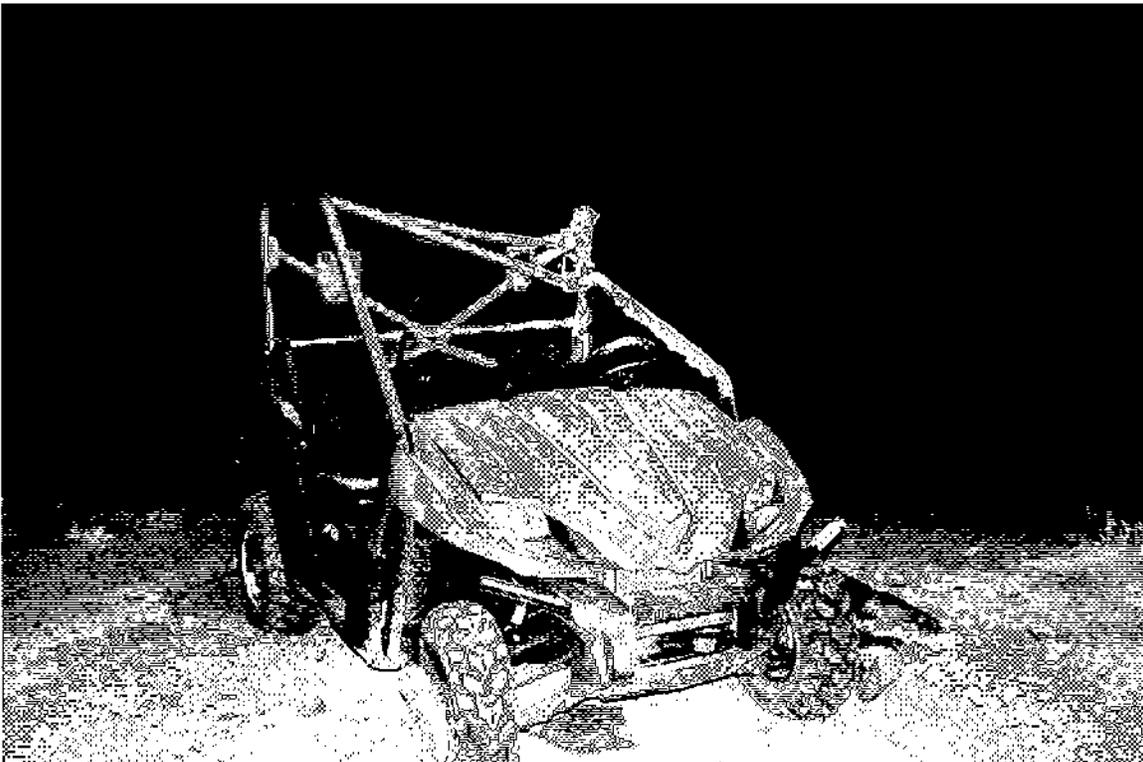
After receiving the service quote, the next-of-kin does not plan on working with the victim’s insurance company to have the UTV fixed. The UTV will be destroyed by the service department.

EXHIBITS:

1. Photographs, 7 page
2. Medical records, 7 pages
3. Police report, 4 pages
4. Repair estimate, 2 pages



Photograph 1: Photograph taken by police department. This is how the UTV was found by the victim's friend and police.



Photograph 2: Photograph taken by police. The victim was removed from the UTV, so CPR could be administered.



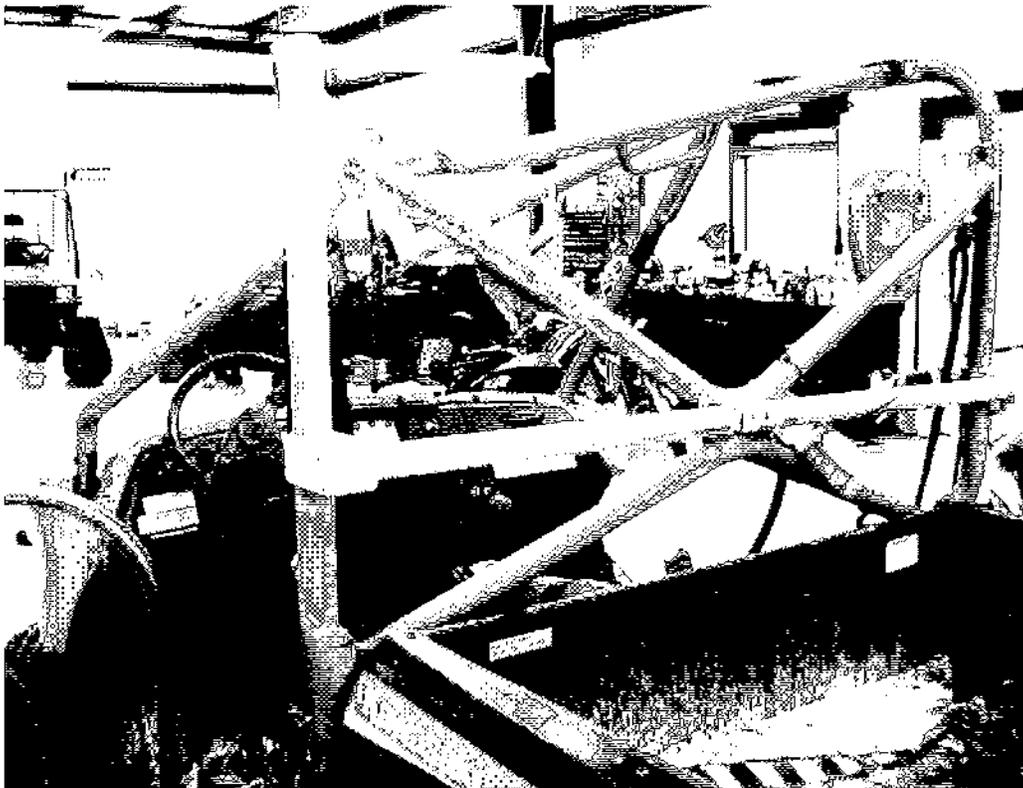
Photograph 3: Photograph taken by police. The photograph is depicting the bent roll bar.



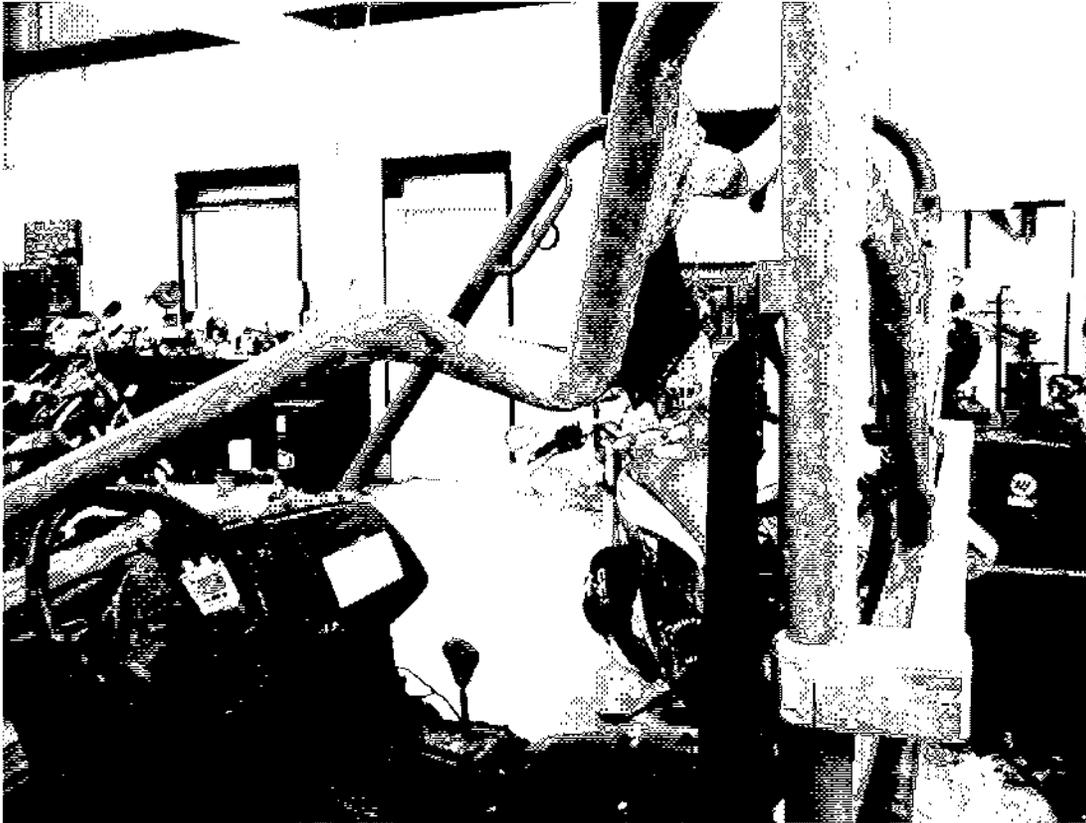
Photograph 4: Photograph taken by service technician at dealership, while UTV is being repaired.



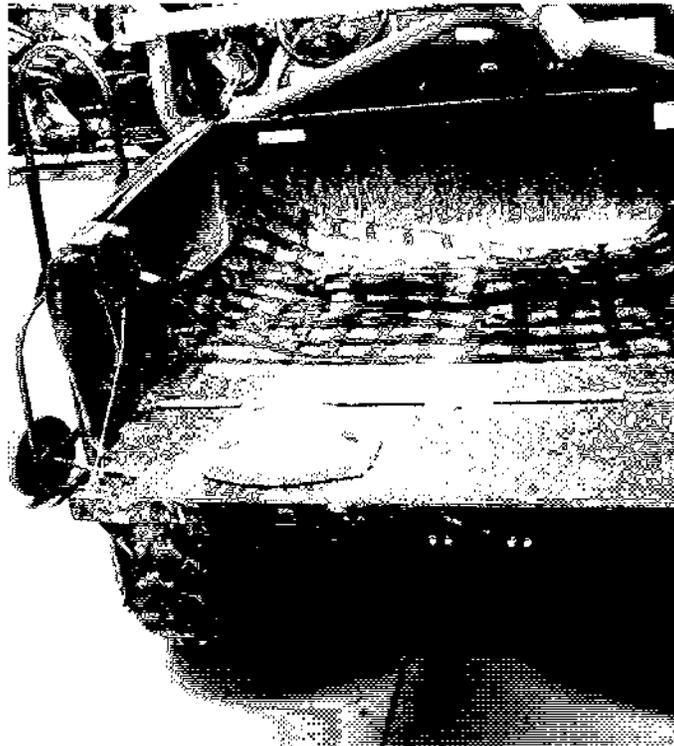
Photograph 5: Photograph taken by dealership.



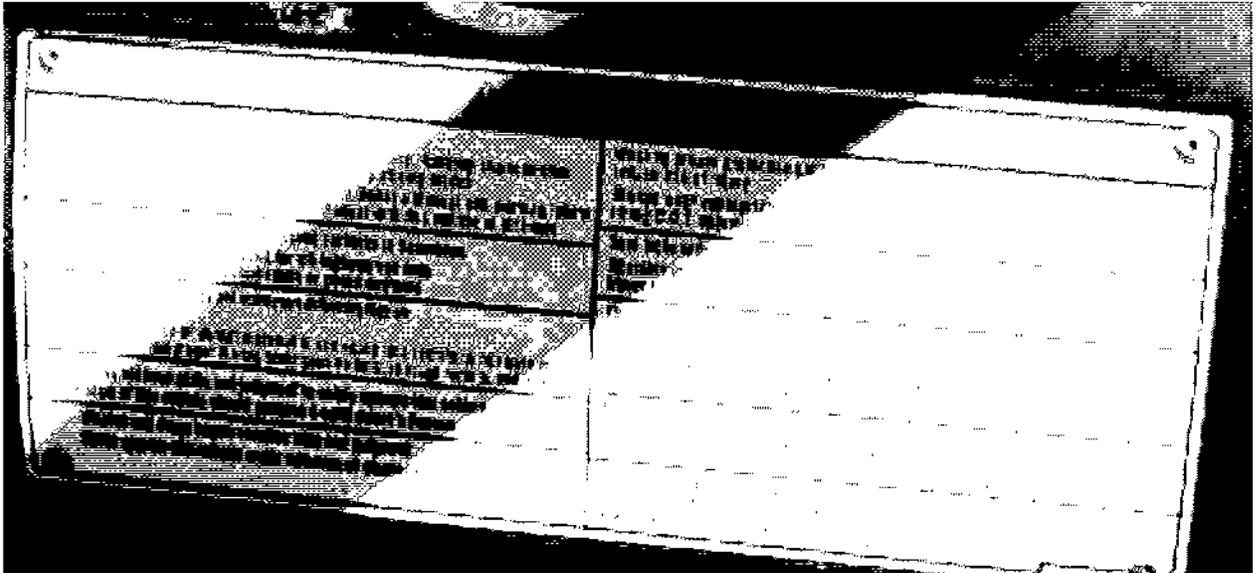
Photograph 5: Photograph taken by dealership.



Photograph 6: Photograph taken by dealership.



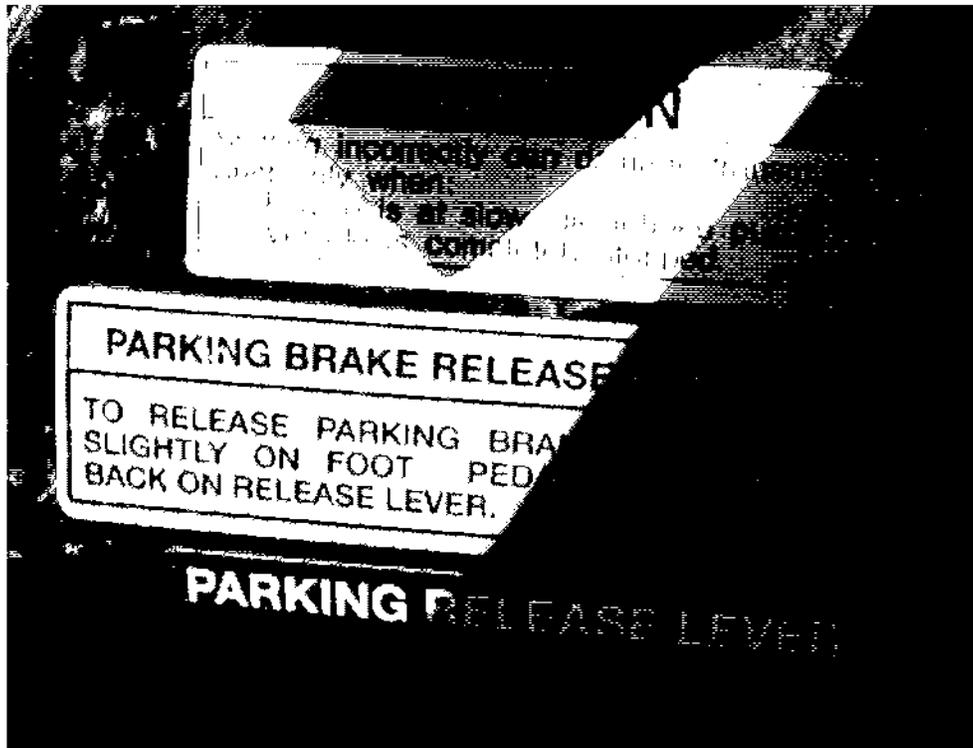
Photograph 7: Photograph taken by dealership.



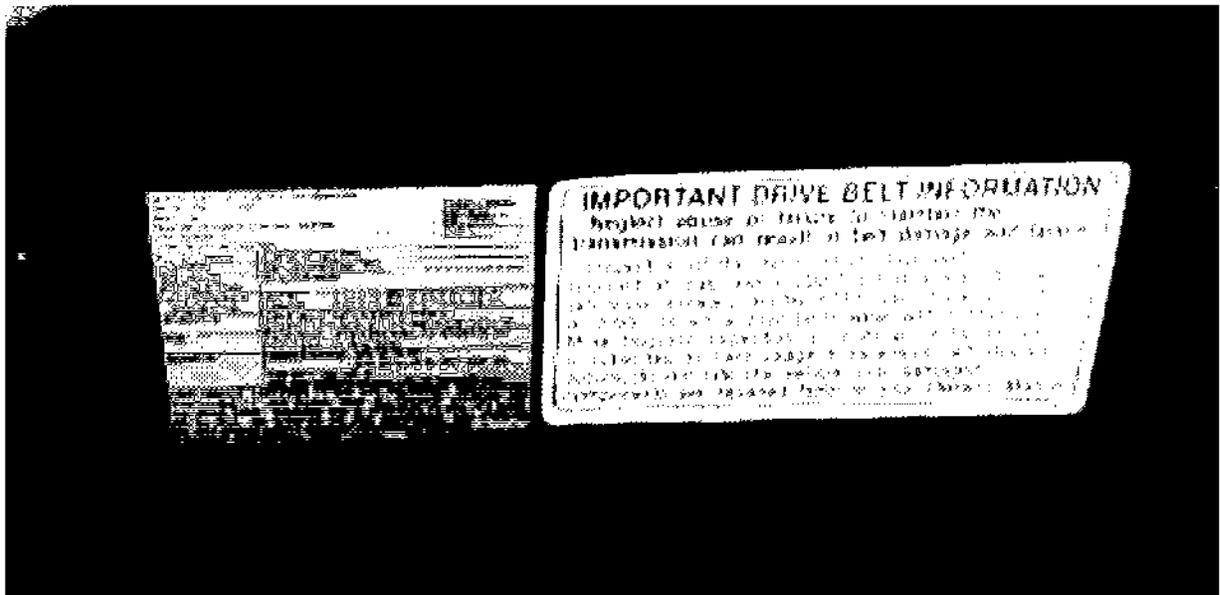
Photograph 8: Photograph taken by service technician. Label is on dash inside cab of UTV.



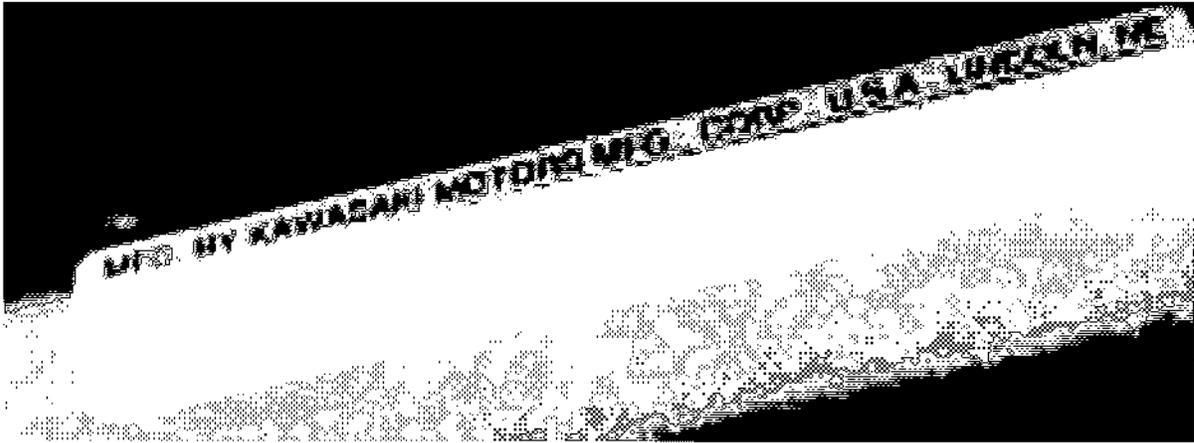
Photograph 9: Taken by service technician. Label on roll bar of UTV.



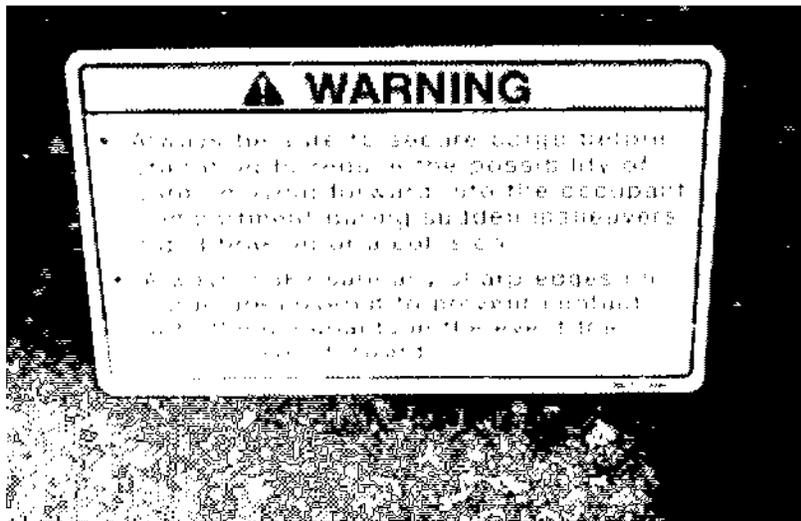
Photograph 10: Taken by service technician. Label is on dash inside cab of UTV.



Photograph 11: Taken by service technician. Labeling inside the cab of the UTV.



Photograph 12: Taken by service technician. Labeling located on roll bar.



Photograph 13: Taken by service technician. Labeling located in cargo bed.

REPORT OF EXAMINATION

Name: (b)(6) Case #: R200900780 Age: 46 Race: White Sex: Male
Date/Time of Death: 05/16/2009 - 21:34 Date/Time of Partial Autopsy: 05/17/2009 - 08:50
Examination By: Todd C. Grey, M.D. Investigative Agency: Tooele County S.O.
Witnesses: None

Manner of Death: Accident
Immediate Cause of Death: Atlanto-Occipital Separation Fracture

FINAL PATHOLOGIC DIAGNOSES

- I. Multiple blunt force injuries.
 - A. Atlanto-occipital separation fracture.
 1. Maceration of upper cervical cord.
 - B. Subarachnoid hemorrhage left cerebral hemisphere and inferior hemispheres bilaterally.
 - C. Extensive subgaleal contusion.
 - D. Intraventricular hemorrhage.
 - E. Abrasions of right and left neck.
 - F. Sternal and right rib fractures.
 1. Indeterminate if secondary to cardiopulmonary resuscitative efforts or trauma event.
- II. Obesity.
 - A. Body weight 116 kg (255 lbs).
 1. BMI 323.5 kg/m², 85th percentile.
 - B. Cardiomegaly to 525 grams.
 1. Concentric hypertrophy of left ventricular myocardium to 1.8 cm.

OPINION: This 46 year old White male, David Alton Barber, died as a result of an atlanto-occipital separation fracture (variant of neck fracture) sustained when the off highway vehicle he was operating crashed and rolled in a remote area of Tooele County.



Todd C. Grey, M.D.
Chief Medical Examiner
Date signed: 5-18-09

TCG/at

EXTERNAL EXAMINATION – OME Case # R200900780

The body is that of a normally developed, obese adult White male, received as described on the body receiving form. The body weighs 116 kg, measures 189 cm in length (BMI 323.5 kg/m², 85th percentile), and appears compatible with the stated age of 46 years.

The body is cool to the touch with firm rigor in the extremities and has blanching red-purple lividity on the posterior surfaces of the body except in areas exposed to pressure.

The scalp hair is brown and gray and measures to 12 cm. Palpation of the scalp reveals swelling over the superior and posterior aspects. No external evidence of injury is seen. A full beard and moustache are present on the face measuring to 1 cm.

The eyes have blue irides, clear corneas, symmetric round pupils and sclerae and conjunctivae without petechiae.

The ears, nose, and lips are normally formed and remarkable for an endotracheal tube and gastric tube inserted in the mouth as well as injuries of the right ear, left cheek and right lateral periorbital region as described below. No scars are seen.

The teeth are natural and in a good state of repair. There is bloody fluid within the oral cavity. The tongue is without external evidence of injury.

Examination of the neck reveals evidence of injury as described below. No scars or tattoos are seen.

The chest and abdomen are normally developed and remarkable for EKG monitoring pads in place as well as injury in the left lower quadrant of the abdomen as described below. No scars or tattoos are seen.

The upper extremities are symmetric, normally developed and remarkable for an intravenous catheter inserted in the right antecubital fossa. The left antecubital region is clear of needle puncture wounds or needle track scarring. No wrist scars are seen. The hands are unremarkable.

The lower extremities are symmetric, normally developed and remarkable for a tattoo of a scorpion and barbed wire on the posterior aspect of the right calf. There is slight hair loss of the distal shins and ankles without edema or brawny discoloration of the skin. No scars are seen. The feet are unremarkable.

The back, anus, and genitalia are without injury or other focal abnormality. The penis is uncircumcised.

EVIDENCE OF INJURY:

Blunt Force Injuries

Just to the right of lateral aspect of the right eye is a 0.5 cm red-brown abrasion. On the left cheek is a 3 X 1 cm red-brown horizontally oriented abrasion. On the posterior aspect of the right ear is a 2 cm vertically oriented laceration. Just behind this and slightly inferior is a 2.8 cm vertically oriented laceration.

The scalp is reflected and reveals a diffuse subgaleal hemorrhage over the frontal and superior regions with slight extension into the superior right occipital area in an overall area measuring to 16 cm. The calvarium is without fracturing of either the vault or base of the skull. No epidural or subdural hemorrhage is seen. There is subarachnoid hemorrhage on the lateral left cerebral hemisphere and on the inferior aspects of the brain bilaterally. Sectioning reveals intraventricular blood with no evidence of cortical or white matter contusions. The atlanto-occipital joint is completely transected with the skull freely mobile over the fractured second cervical vertebra. The cord is macerated in this region without complete transection.

On the right side of neck extending and downwards into the right supraclavicular area is an irregular area of linear streaking abrasion measuring 8 X 6 cm. On the left side of the neck anteriorly and laterally is a horizontally oriented 17 cm linear red-brown abrasion.

In the left lower quadrant of the abdomen is a horizontally oriented linear 11 cm red-brown abrasion.

Internal examination of the chest and abdomen reveals fracturing of the sternum and the right 4th - 6th ribs anteriorly with associated hemorrhage. It is undetermined if these are injuries sustained in cardiopulmonary resuscitation or the trauma event. No injuries of the lungs, mediastinum, heart, liver, spleen or other internal organs are seen.

INTERNAL EXAMINATION

BODY CAVITIES: The chest and abdomen are opened by the usual thoraco-abdominal, Y-shaped incision and the chest plate is removed. No adhesions or abnormal collections of fluid are present in any of the body cavities. All body organs are present in their normal and anatomical position. The subcutaneous fat layer of the abdominal wall is 4.2 cm thick.

HEAD (Central Nervous System): The scalp is reflected and reveals subgaleal hemorrhage as previously described. No other focal abnormalities are seen. The calvarium of the skull is partially removed and there are no skull fractures. The dura mater and falx cerebri are intact. There are no epidural or subdural hemorrhages present. The brain weighs 1710 grams. There is subarachnoid

hemorrhage over the lateral to inferior left cerebral hemisphere and on the inferior surfaces of the right cerebral hemisphere. The cerebral hemispheres are symmetrical. The structures at the base of the brain, including cranial nerves and blood vessels are intact. Sectioning through the cerebral hemispheres reveals intraventricular blood with no other focal abnormalities. Transverse sections through the brain stem and cerebellum are unremarkable. There is maceration of the upper cervical cord secondary to an atlanto-occipital separation fracture as previously described.

CARDIOVASCULAR SYSTEM: The heart weighs 525 grams. The pericardial surfaces are smooth, glistening and unremarkable; the pericardial sac is free of significant fluid or adhesions. The coronary arteries have a right dominant pattern and are remarkable for mild atherosclerosis with no more than 30% occlusion of either the right or left coronary arterial systems. No thrombi are seen. The chambers and valves exhibit the usual size-position relationship and are unremarkable. The myocardium is dark red-brown, firm, and unremarkable; the atrial and ventricular septae are intact. There is concentric hypertrophy of the left ventricular myocardium to 1.8 cm. The aorta and its major branches arise normally, follow the usual course and are widely patent, free of significant atherosclerosis and other abnormality. The vena cava and its major tributaries return to the heart in the usual distribution and are free of thrombi.

OFFICE OF MEDICAL EXAMINER
SHANNON SKILES
48 MEDICAL DR
SALT LAKE CITY, UT 84113-1105

Subject Information	
Subject Name:	(b)(3):CPSA Section 25
Subject DoD:	05/16/2009
Agency Information	
Medical Examiner:	Dr. Todd Grey
Agency Case # :	200900780

TOXICOLOGY FINAL REPORT

Test Run: **Volatiles Screen**

Ethanol Result: **Negative**

Acetone Result: **Negative**

Isopropanol Result: **Negative**

Methanol Result: **Negative**

Test Run: **Rx Drug Panel Screen**

Lidocaine: **Identified**

Test Run: **Rx Drug Panel Screen**

Final Result: **All test results are negative.**

Test Run: **Cocaine Screen**

Cocaine Result: **Negative**

Test Run: **Methamphetamine Screen**

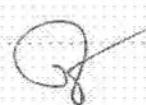
Methamphetamine Result: **Negative**

Test Run: **Morphine screen**

Morphine Result: **Negative**

Test Run: **THC Screen**

THCmtb Result: **Negative**

RECEIVED
MAY 18 2009
MEDICAL EXAMINER



Case reviewed by: Marcel Bibeault

Marcel Bibeault

Telephone: (801) 584-8400
Fax: (801) 584-8415

Sample Detail:
Date Received: 05/18/2009
Date Completed: 06/02/2009

Subject Information

Subject Name: (b)(3):CPSA Section 6(
Subject DoD: 05/16/2009

Agency Information

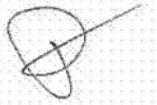
Medical Examiner: Dr. Todd Grey
Agency Case #: 200900780

OFFICE OF MEDICAL EXAMINER
SHANNON SKILES
48 MEDICAL DR
SALT LAKE CITY, UT 84113-1105

TOXICOLOGY FINAL REPORT

Test Run: **Alcohol by Headspace GC**

Acetone Result: **Negative**
Isopropanol Result: **Negative**
Methanol Result: **Negative**
Ethanol Result: **Negative**



Marcel E. Bibault

Case reviewed by: Marcel Bibault

Subject Information

Subject Name: (b)(3):CPSA Section 25
Subject DoD: 05/16/2009

Agency Information

Medical Examiner: Dr. Todd Grey
Agency Case #: 200900780

OFFICE OF MEDICAL EXAMINER
SHANNON SKILES
48 MEDICAL DR
SALT LAKE CITY, UT 84113-1105

TOXICOLOGY FINAL REPORT

Test Run: **Cocaine Screen**

Cocaine Result: **Negative**

Test Run: **Methamphetamine Screen**

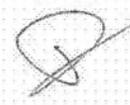
Methamphetamine Result: **Negative**

Test Run: **Morphine screen**

Morphine Result: **Negative**

Test Run: **THC Screen**

THCmtb Result: **Negative**



Marcel Bibault

Case reviewed by: Marcel Bibault

Underline distance from city limits or nearest town
ROAD STREET, HWY Knolls Flats
 CRASH OCCURRED: _____ Street North or Highway North _____ UDOT USE ONLY

REPORTABLE CRASH
 YES NO
 UDOT USE

1. AT THE INTERSECTION WITH _____ Feet _____ of _____
 2. IF NOT AT INTERSECTION _____ N S E W _____
 _____ N S E W _____
 _____ of Mile Post _____
 (Be sure to complete if road has both post)

DATE OF CRASH: 03/10/09
 COUNTY: KAWK
 TOWNSHIP: TERYX
 YEAR: 2009
 REPORT # 1

1. [JKARFDA1788501661] OH10269078 UT 03/10/09 KAWK TERYX 2009 #1

(b)(3):CPSA Section 25(c)

PLATE: UT 12753635
 CLASS: D M B
 DATE OF BIRTH: 11/10/62
 AGE: 46
 No Glass Broken Shattered

VEHICLE INFO
 Commercial Vehicle Personal Vehicle
 Driver's License Operator's License Learner's License
 No License License No License

SEQUENCE OF EVENTS
 25 45 45
 58 07 96 96
 MOST HARMFUL EVENT FOR VEHICLE: 07

WITNESSES
 Name _____ Address _____ Phone _____
 Name _____ Address _____ Phone _____

Law Enforcement Activity
 Time Method of Crash: 20:15
 Arrived at Scene: 21:05
 Date/Time of Crash: 05/16/09
 Investigation Completed: 05/16/09
 Field Diagram: Yes No
 Video: Yes No
 Photo (s): Yes No
 Digital Film

ORIGINAL REPORT ADDITIONAL PERSONS REPORT SUPPLEMENTAL REPORT AMENDED REPORT

State Law Requires a Reportable Crash Report to be Forwarded to Dept. of Public Safety Within 10 Days Following Completion of Investigation.
 Mail ORIGINAL REPORT TO: Driver License Division, 4501 South 2700 West, P.O. Box 30560, Salt Lake City, Utah 84130-0560

Person	Scouting	Sex	Level	Area	Course	Transpo	Safety	Used P	Air Bag	Ejection	Ejection	Extricat
01	11	M	05	99	99	97	01	01	00	00	96	01
PERSON(S) INVOLVED												
01	11	M	05	99	99	97	01	01	00	00	96	01
02	11	M	05	99	99	97	01	01	00	00	96	01
03	11	M	05	99	99	97	01	01	00	00	96	01
04	11	M	05	99	99	97	01	01	00	00	96	01
05	11	M	05	99	99	97	01	01	00	00	96	01

DIAGRAM of CRASH NO DIAGRAM - Reason: 3
 1. Show me at scene 2. I will not return
 3. No Templates DLD#
 To Show Atv Accident

DESCRIBE WHAT HAPPENED
 (Refer to Vehicle by Number)
 CHV 1, WAS TRAVELING EASTBOUND ON THE FLA'S 6 MILED WEST FROM HWY 119 WHEN IT HIT A DIRT EMBANKMENT CAUSING IT TO GO
 APPROXIMATELY 16 45PM WHEN ITS RIGHT SIDE TIRES ONLY MADE CONTACT. CHV #1 THEN ROLLED END OVER END COMING TO REST
 ON THE SHORE PARTIAL EAST. THE SINGLE OCCUPANT IN CHV #1 WAS INJURED AND DIED IN THE CRASH.

OFFICER'S RANK AND NAME: ROJ Johnson
 I.D. #: 1H10
 DEPARTMENT:
 CASE NUMBER: 2009-002205
 SUPERVISOR'S APPROVAL:
 DATE OF REPORT: 05/16/2009

ADDITIONAL PEOPLE INVOLVED

Codes: V-Victim, S-Suspect, A-Arrestee, R-Reporting Party, W-Witness, O-Involved Other, M-Mother, F-Father, G-Guardian

R1	Name: (b)(6) AKA: Addr (Home): CSZ:	DOB: 02/11/1956 Ht: 0'0" Wt: WP: OP:
Clothing Worn:		
W1	Name: AKA: Addr (Home): CSZ:	DOB: 06/26/1960 Ht: 0'0" Wt: WP: OP:
Clothing Worn:		
O1	Name: (b)(3):CPSA Section 25(c) AKA: Addr (Home): CSZ:	DOB: 11/10/1962 Ht: 0'0" Wt: WP: OP:
Clothing Worn:		
Additional Address: Addr (Home): Addr (Home):		
O2	Name: (b)(6) AKA: Addr (Home): CSZ:	DOB: 04/16/1966 Ht: 0'0" Wt: WP: OP:
Clothing Worn:		

PROPERTY DETAILS

Owner	Quan.	Stat.	Code	Manufacturer	Model	Color/Desc	Serial#	Value
								0.00
Total Property Value:								0.00

VEHICLE DETAILS

Owner	License Plate	Expires	VIN	Make	Model	Style	Year	Color
O1	OH10269078	03/01/2010	JKARFDA178B501661	KAWK	TERYX	ALL TERRAIN	2008	RED

NARRATIVE

OHV ACCIDENT (FATALITY)

On 5-16-09 I was dispatched to a OHV accident in the Knolls area approximately 6 miles west of the main Knolls campground and 2 miles south of the freeway.

I responded to the area and was able to locate the accident scene with the assistance of Life Flight who was also dispatched.

Upon arrival at the scene Life Flight personal had taken over CPR from the reporting parties, (b)(6)

(b)(6) CPR was continued for several minutes on the victim, identified as (b)(6)

At 2134 hours Life Flight personnel pronounced the victim to be dead and stopped all medical treatment. the victim was found lying by the side of a Kawasaki Teryx a side by side OHV.

The reporting parties stated that when they found him he was in the OHV still strapped in and that they had to remove him to start CPR.

NARRATIVE

Both (b)(6) stated that they were riding with (b)(7) when they noticed that his OHV had stopped for quite sometime. They then started towards him and as they got closer noticed he had been in an accident. They immediately called 911 and removed him from the OHV and began CPR.

It appeared that (b)(6) was driving his OHV eastbound on the flats at a high rate of speed when he struck a dirt embankment causing the OHV to go airborne 16 feet landing on its right side tires, causing the front right tire to blow and then rolling end over end and coming to rest on its wheels.

The roll bar portion of the OHV on the drivers side was pushed downward towards the drivers position. The ohv was and accident scene were photographed and the pictures were attached to the accident report.

The Medical Examiners office was contacted to respond and recover the body.

Deputy Medical Examiner Judd Eriksson responded with IPS and recovered the body.

Death notification was made by Roy City P.D. officer Hackworth to (b)(6) ex-wife and daughter. a (b)(6) at 2355 hours.

The OHV was turned over to (b)(6) who offered to recover the vehicle after the scene was investigated

It appears that (b)(3):CPSA died due to injures caused by the ohv accident.

(b)(6) was not wearing a helmet at the time of the accident.

Case status cleared pending Medical Examiners Investigation

Sgt. R. Johnson

REPORTING OFFICER			
Officer's Name	P#	Assmt	Signature
RON JOHNSON	1H10		

OFFICER INVOLVEMENTS			
Involvement	Officer's Name	P#	Assmt
SUPERVISOR	MORGAN, JEFF LIEUTENANT	1H5	

1866-396-1527
 ATTN: Danielle
 Stone's Big Boys Toys

2529 N. Hwy 89
 Ogden, UT 84414
 (801) 782-6125

Exhibit 4 090521HWE8249

Repair Order

R/O Number: 5854
 In Date: 6/16/2009
 Today Date: 6/22/2009
 Date Promised: 6/16/2009

Repair Order For:

(b)(3):CPSA
 Section 25(c)

Unit Name Location

Claim # 5660600932

Units For This Repair Order

Service Writer:

Year	Make	Model	VIN / Serial No.	Color	Plate	Key Board	Miles
2008	KAWASAKI		JKARFDA178B501661				

Job: WRECK EST.

Job For: 2008 KAWASAKI JKARFDA178B501661

Description

Parts

Part Number	Quantity	Description	Each Price	Extension
15004-0017	1	CARBURETOR-ASSY,CVVKR3	\$898.97	\$898.97
18087-0177	1	MUFFLER	\$466.89	\$466.89
39043-0001-16I	1	CROSSMEMBER-COMP,UPP,	\$56.59	\$56.59
39043-0005-16I	1	CROSSMEMBER-COMP,RR,U	\$134.99	\$134.99
39043-0007-16I	1	CROSSMEMBER-COMP,UPP,	\$56.59	\$56.59
39043-0008-16I	1	CROSSMEMBER-COMP,RR,L	\$134.99	\$134.99
55047-0011-16I	1	BAR-COMP,LH,RED	\$144.97	\$144.97
55047-0012-16I	1	BAR-COMP,RH,RED	\$144.97	\$144.97
21003-0077	1	STATOR	\$375.99	\$375.99
21007-1367	1	ROTOR	\$402.59	\$402.59
26031-0664	1	HARNES MAIN	\$328.99	\$328.99
35023-0139-839	1	FENDER-REAR,RR,LH,BLA	\$51.97	\$51.97
13272-0352	1	PLATE,REAR MUD GUARD,	\$22.99	\$22.99
53029-0077	1	CARRIER	\$424.59	\$424.59
14091-0692-6Z	1	COVER,CONSOLE CENTER,	\$73.89	\$73.89
21119-0092	1	IGNITER	\$303.59	\$303.59
18068-0423	1	PIPE-EXHAUST,FR	\$208.99	\$208.99
18088-0430	1	PIPE-EXHAUST,RR	\$120.97	\$120.97
49107-0118	2	COVER-EXHAUST PIPE,MI	\$6.99	\$13.98
49107-0130	1	COVER-EXHAUST PIPE,FR	\$68.89	\$68.89
49107-0131	1	COVER-EXHAUST PIPE,FR	\$68.89	\$68.89
26012-1414	1	KMX14-BS	\$96.99	\$96.99
11005-0107	1	CYLINDER-ENGINE,FR	\$406.99	\$406.99
11005-0108	1	CYLINDER-ENGINE,RR	\$406.99	\$406.99
13001-021	2	PISTON STD	\$27.59	\$55.18
11061-0063	2	GASKET,CYLINDER BASE	\$12.97	\$25.94
11004-0011	2	GASKET-HEAD	\$21.97	\$43.94
			Parts Subtotal	\$5,541.31

Job: WRECK EST. (Continued)

Job For: 2008 KAWASAKI JKARFDA1788601661

Labor Description	Job Code	Technician	Quantity	Line Total
REPLACE PARTS		123	14 Hours	\$1,050.00
			Labor Subtotal	\$1,050.00
			Other Charges	
			Shop Supplies	\$10.00
			Job Subtotal	\$6,601.31
			Customer Job Totals	
			Parts	\$5,541.31
			Labor	\$1,050.00
			Other	\$10.00
			Total of Customer Jobs	\$6,601.31
			Repair Order Subtotal	\$6,601.31
			Sales Tax	\$452.23
			Repair Order Total	\$7,053.54
			Total Amount Due	\$7,053.54

Thank you for your business!

*Dont Know Everything that Has
Been Changed. This is what I
can see.*

CONTACT LIST

(b)(3):CPSA Section 25(c)

CPSC Investigator telephoned the number, but the next-of-kin have closed the shop.

(b)(6)

CPSC Investigator interviewed the friend via telephone about the accident.

Police:
Tooele Sheriff's Department
47 S. Main Street
Tooele, UT 84074
Telephone (435) 882-5600

CPSC Investigator received the police report for the UTV fatality, at the Knolls Flats recreation area near Wendover, UT.

Medical Examiner:
48 N Medical Dr
Salt Lake City, UT 84113
(801) 584-8410
Fax: (801) 584-8435

CPSC Investigator received medical records.

www.wunderground.com used for the weather
www.kawasaki.com used to obtain ATV information

DUFF SHELLEY KAWASAKI
260 E MAIN ST
AMERICAN FORK, UT 84003-2410
(801) 756-3613
(801) 756-1656 Fax

The UTV was purchased from this retailer.

CONTACT LISTED CONTINUED

KAWASAKI BIG BOYS TOYS INC

2529 N HWY 89

OGDEN, UT 84404-2656

(801) 782-6125 Email: dave@bidboysutah.com

(801) 786-0974 Fax

The next-of-kin brought the wrecked UTV to this dealer for repair. CPSC Investigator spoke with Dave, in the service department, and he supplied the repair estimate and photographs of UTV.

The Salt Lake Tribune

<http://www.sltrib.com>

UTV crashes claim life

The Salt Lake Tribune

Salt Lake Tribune

Updated:05/18/2009 06:35:45 AM MDT

It was the second ATV fatality this weekend in Utah. A 46-year-old Sunset man died in an ATV crash Saturday near Interstate 80 at the Knolls exit. (b)(3):CPS was driving a Kawasaki side-by-side Teryx at about 8:15 p.m. when he hit a dirt embankment and the ATV went airborne, Tooele County sheriff's deputies said. It landed on its right tires and rolled. Barber died at the scene.

1. Task Number 090526HNE4440		2. Investigator's ID 8925		EPIDEMIOLOGIC INVESTIGATION REPORT
3. Office Code 810	4. Date of Accident YR MO DAY 2009 05 22	5. Date Initiated YR MO DAY 2009 06 03		
6. Synopsis of Accident or Complaint UPC none A 28-year-old intoxicated male driver and a 29-year-old male passenger, were riding in a 4-wheeled UTV in a field. They were wearing seatbelts, but not helmets. The UTV was traveling on trails at a high rate of speed when the driver lost control causing the UTV to swerve and overturn. The driver sustained a head injury and he was taken to a hospital where he was pronounced dead. His cause of death was determined to be blunt force head trauma. The passenger was not injured. He was treated and released from the hospital. <div style="text-align: right;"> MFR/PRVLBR NOTIFIED <i>[Signature]</i> COMMENTS: <u>YES</u> <u>NO</u> <u>OVERRULED;</u> <u>ATTACHED</u> <input checked="" type="checkbox"/> EXCISIONS/FOIA EXS <i>325c, 6</i> <input checked="" type="checkbox"/> DO NOT RE-NOTIFY <u>RE-NOTIFY</u> </div>				
7. Location (Home, School, etc) 1 - HOME		8. City MILFORD		9. State DE
10A. First Product 5044 - Utility Vehicles		10B. Trade/Brand Name ARCTIC CAT/PROWLER		10C. Model Number UNKNOWN
10D. Manufacturer Name and Address ARCTIC CAT INC/VIN: UNKNOWN P.O. Box 810 Thief River Falls, MN 56701				
11A. Second Product 0		11B. Trade/Brand Name NONE		11C. Model Number NONE
11D. Manufacturer Name and Address NONE				
12. Age of Victim 28		13. Sex 1 - Male		14. Disposition 8 - Death
15. Injury Diagnosis 62 - Intern. Org. Inj.		16. Body Part(s) Involved 75 - HEAD		17. Respondent 3 - 2nd Hand Info Only
18. Type of Investigation 2 - Telephone		19. Time Spent (Operational / Travel) 5 / 0		
20. Attachment(s) 9 - Multiple Attachments		21. Case Source 05 - Newspaper		22. Sample Collection Number
23. Permission to Disclose Name (Non NEISS Cases Only) <input type="radio"/> Yes <input checked="" type="radio"/> No <input type="radio"/> Verbal <input type="radio"/> Yes for Manuf. Only				
24. Review Date 08/19/2009		25. Reviewed By 9093		26. Regional Office Director Dennis R. Blasius
27. Distribution Moon, Clarice; Streeter, Robin; Garland, Sarah; Kessler, Charles			28. Source Document Number N0950329A	

The information in this report was based on information received from the police's department and the medical examiner's office. A photo of the utility vehicle/2006 Arctic Cat Prowler was not provided. Contact with the victim's next-of-kin was successful.

On Friday, May 22, 2009, at 12:38 p.m., in Sussex County, Milford, Delaware, the victim, a 28-year-old intoxicated male was riding in a 4-wheeled utility vehicle in a wooded field and he was not wearing a helmet. The weather condition was clear and the temperature was 80 degrees.

He was accompanied in the utility vehicle by a passenger, a 29-year-old male who was not wearing a helmet. They were both wearing seatbelts.

They were located on private property and the UTV was traveling at a high rate of speed on a driveway before going behind a house and traveling on worn trails located in a wooded field. The driver lost control and caused the UTV to swerve. The UTV overturned and the driver struck his head on the ground.

After the incident, the driver was left hanging from the vehicle due to the security of his seatbelt. He was unfastened from the vehicle and he was lowered to the ground. Attempts were made to resuscitate him until an ambulance arrived at the scene.

The victim sustained a massive head injuries and he was taken to a hospital located in Sussex County, Milford, DE, where he was pronounced dead. His cause of death was determined to be blunt force head trauma.

The passenger was not severely injured. He was taken to the hospital where he was treated and released.

Attachments:

1. Investigative Report.
2. Medical Examiner's Report.
3. Missing Document, photo of the utility vehicle
4. Contact Information.

Page 1 Report Date 05/22/2009 Agency: TROOP 7 STATE POLICE Occurrence: 07-09-023328
 Reported Date and Time: FRI 05/22/2009 1238 Initial Crime Report Occurred: FRI 05/22/2009 1233 thru FRI 05/22/2009 1238

(b)(3):CPSA Section 25(c)

MO and Incident Overview
 Victim Michael C. Schifferer lost control of the Arctic Cat Prowler he was operating and it overturned. Although he was seatbelted, he was not wearing a helmet. He sustained massive head trauma and was pronounced dead at MHI.

Gold 144-156 Sector 71 County Sussex Domestic Related Yes No Gun Brand/Type? Yes No Gang Related? Yes No

Victim Information

Victim Number 001 Name (b)(3):CPSA Section 25(c)
 Type Individual Sex Male Race White Ethnic Origin Non-Hispanic Age 28 D.O.B. 03/11/1981
 Address (b)(6) Resident Status Full Time Home Telephone Coll Phone
 Reporting Person? Yes No Victim Injured? Yes No Victim Deceased? Yes No Officer Comments
 injuries Description of injuries

Crimes and Associated Information

Victim Number 001 Crime Seq 001 Statute
 Crime Description: Death Investigation--No Specific Charges Associated
 Location of Offense: Field/Woods Status: Service Clear 05/22/2009 Involvement: Alcohol Drugs Carpalid General Offense
 Suspected Hate/bias: Yes No - N/A Crime Code: 8104 - Sudden Death/Death Investigation

Witness Information

(b)(6)

Sex: Male	Race: White	Age: 29	D.O.B.: 09/10/1979
Sex: Male	Race: White	Age: 28	D.O.B.: 01/22/1981
Sex: Male	Race: White	Age: 28	D.O.B.: 07/29/1980
Sex: Male	Race: White	Age:	D.O.B.:

Investigative Narrative

INTERVIEW VICTIM
 N/A - Victim deceased

Reporting Officer: CPI/3 MENDEZ - 862 1 Supervisor Approval: ROGER A WILLEY PSP1184 Date 07/10/2009 1332

Page: 2	Report Date: 05/22/2009	Agency: TROOP 7 STATE POLICE	Complaint: 07-09-023328
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Investigative Narrative - Continued

INTERVIEW SUS/DEF

N/A

INTERVIEW WITNESSES/PERSONS CONTACTED

Person Contacted-1 (Sapp, Derek)

Mr. (b)(6) was interviewed at the scene at approximately 1400 hours. The interview was not audio recorded. However, the handwritten notes are on file with the report in the Collision Reconstruction Office at DSP Troop #7.

PC-1, who owns the property where the incident occurred, stated that there are trails on his property where friends and family ride their ATV's. He is usually aware that they are going to be on the property before they do so. While there was nothing wrong with Michael Schifferer riding the ATV on the property, he was not aware that anyone was going to be riding on today's date, nor did said advise he was going to be riding, which is what usually occurs. PC-1 did state that he and his family are personal friends with Mr. (b)(6) and his father, (b)(6), who resides next door. In fact, the (b)(6) ride their ATV's on his property quite regularly.

Person Contacted-2 (Sapp, Isaac)

(b)(6) was contacted and interviewed after I spoke with his brother, PC-1. The interview was not audio recorded. However, the handwritten notes are on file with the report in the Collision Reconstruction Office at DSP Troop #7.

PC-2 stated that he resides at (b)(6) and was home at the residence between 1200-1230 when he observed the ATV riding on the property. The ATV was driving fast up and down the driveway before going behind the house on the trails. PC-2 was not sure who was driving the

Reporting Officer
CPL/3 MENDEZ, - 862 1

Supervisor Approval
ROGER A WILLEY PSPT184 Date 07/10/2009 1332

Page 3

Report Date 05/22/2009

Agency TROOP 7 STATE POLICE

Case/Incident 07-09-023328

Investigative Narrative - Continued

vehicle at the time, as there was one passenger and the driver. Shortly after he saw the vehicle go behind the house, he heard people screaming. PC-2 then ran around the house and saw two males standing around the overturned ATV and one male subject on the ground providing CER to an injured person. PC-2 then called 911 to report the incident. PC-2 stated that he was unfamiliar with the subjects that were standing around the vehicle, but he did recognize the subject on the ground as Michael Schifferer.

Interview PC-3 (White, Eric J.)

(b)(6)

PC-3 was the passenger on the ATV with the victim at the time the crash occurred. PC-3, who was interviewed at Milford Memorial Hospital at approximately 1500 hours did not sustain any serious injuries.

PC-3 stated that he traveled to Sussex county for a weekend at the beach with two other friends, David A. Lieberman and Daniel Kot. Since they were unable to check into their Rehoboth hotel room until 3pm, they decided to stop at (b)(6) house. PC-3 did not know Michael Schifferer before today's date. (b)(6) was however, a close friend of both

(b)(6)

Once he was introduced to (b)(6), they went into the garage and looked at all the ATV's. According to PC-3, there were several cool ATV's in the garage that belonged to (b)(6) father. As PC-3 was admiring the ATV's, (b)(6) asked if he wanted to take a ride and he accepted. PC-3 accepted and they started riding on the ATV on the property adjacent to where Michael's father's house was located. Before pulling off on the ATV, (b)(6) made sure both he and PC-3 were seatbelted, but neither was wearing a helmet.

PC-3 further stated that they were just riding back and forth having a good time when (b)(6) lost control and flipped. At the time, PC-3 did not think that he was driving too fast, he just simply overturned. After overturning, he thought that (b)(6) was simply going to undo his seatbelt because he was hanging upside down. It was at this time that he realized his head was bleeding profusely and that he was unconscious.

Reporting Officer
CPL/3 MENDEZ - 862 1

Supervisor Approval
ROGER A WILLEY PSPT184 Date 07/10/2009 1332

Investigative Narrative - Continued

At this time, PC-2 unfastened Michael's seatbelt and lowered him to the ground where he then began CPR until the ambulance arrived. PC-3 remained at the scene until he got a ride to the hospital with his two other friends. When asked if he had consumed any alcohol, PC-3 stated that he did not because they had just arrived at Michael's house and did not have time to even open a beer before going on a ride with Michael.

Person Contacted-4 (b)(6)

(b)(6)

PC-4 is a close personal friend of the victim and was at the victim's father's house when the crash occurred. PC-4 did not have any comments related to the actual crash, as he was not there. He did however state that when he heard people screaming, he ran over to where the crash occurred and offered assistance.

Person Contacted-5 (b)(6)

(b)(6)

PC-5 is a close personal friend of the victim and was at the victim's father's house when the crash occurred. PC-5 did not have any comments related to the actual crash, as he was not there. He did run to the scene after he became aware the crash occurred.

INVESTIGATIVE ACTION / EXAMINATION OF CRIME SCENE / EVIDENCE

On 05/22/09 at approximately (b)(6) DSP-7, was dispatched to (b)(6) (b)(6) Road to conduct the investigation of an ATV crash that occurred on private property. Sapp Rd. is a rural county road that runs south from SR36 and is about 200 yards east of Coastal Highway (SR1). Upon his arrival, he was advised by emergency personnel that the operator of this ATV, Mr. (b)(6) (WM-28 03/11/81) was gravely injured and attempts to resuscitate him were ongoing at Milford Memorial Hospital. At this point, he notified Troop 7 who then requested that the CRU handle the incident.

Page: 5	Report Date: 05/22/2009	Agency: TROOP 7 STATE POLICE	Complaint: 07-09-023328
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Investigative Narrative - Continued

I arrived at the scene at approximately 1330 hours and once there, I received a call from Milford Memorial Hospital that the victim had been pronounced dead at 1336 hours.

At this time, I was directed to the rear of the property by Cpl. Booth, where there was an overturned Arctic Cat "Proxler" ATV about 75 yards behind a large outbuilding. The area where this ATV was located consisted of an open field, woods, and worn trails used for the riding ATVs. In the immediate area surrounding this overturned ATV, there were pieces of medical debris left by emergency responders as they cared for Mr. Schifferer. There was also a large amount of blood on the grass directly under the ATV, and also on the underside of the soft roof cover and windshield, which was damaged during the rollover.

A short distance south of the wreckage was a rut mark in the grass that serpentine back and forth and was indicative of where the operator of the ATV lost control. In examining this mark, it appeared that the ATV operator lost control while swerving the vehicle left and right. When swerving left and right it appeared as though the knobby tires simply "grabbed" the ground surface when the operator steered hard right, causing the vehicle to overturn violently onto its left side. During this process, I believe that the operators head struck the ground causing the trauma that led to his death. He was not wearing a helmet. Although he was wearing his lap belt (no shoulder belt). It should also be noted that this ATV has an elevated chassis with rugged suspension/springs, thus creating a higher center of gravity, making a rollover more likely to occur.

After examining the wreckage and the surrounding scene, I completed digital photography and also the interview process of the property owners. I then responded to Milford Memorial Hospital and contacted the victim's family and made them aware of the facts of the collision as I knew them. I also interviewed the friends of the victim, who were with him when the crash occurred. Lastly, Nancy Will of the Victim Services Unit provided grief assistance for the family.

On 062409 I received a memorandum from the Medical Examiner's Office regarding the toxicology of the victim when the crash occurred. The victim's BAC when the crash occurred was .093% thus indicating he was over the states legal limit for DUI.

INVESTIGATORS COMMENTS/NOTES

Reporting Officer:
CPL3 MENDEZ - 8623

Supervisor Approval:
ROGER A WILLEY PSPT184 Date 07/10/2009 1332

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Report Date: 05/22/2009

Agency: TROOP 7 STATE POLICE

Circled: 07-09-023328

Investigative Narrative - Continued

It is my opinion that this ATV crash occurred as result of the victim being intoxicated. His BAC was .0918 which is over the legal limit of .08%. According to his father and cousin, the victim has experience driving these types of vehicles and considering he has driven this property before, it is reasonable to think he could do so safely.

Reporting Officer
CPL/3 MENDEZ - 862 1

Detection Method

Notability Feature

Witness
 Suspect Identified

Excluded To

M.O.
 Subject Described

Supervisor Approval

ROGER A WILLEY PSPT184 Date 07/10/2009 1332

Trace Status Property
 Suspect Identified

Suspect Name
 Suspect Vehicle Identified

Status
Closed


**DELAWARE HEALTH
AND SOCIAL SERVICES**

 OFFICE OF CHIEF MEDICAL EXAMINER
FORENSIC SCIENCES CENTER

 RICHARD T. CALLERY, M.D., F.C.A.P.
CHIEF MEDICAL EXAMINER
DIRECTOR, FORENSIC SCIENCES LABORATORY

EXAMINATION RECORD

MLI CASE # MLI-09-31 ME CASE #: 2009-S-606 AUTOPSY: INSPECTION: X
 NOTIFIED BY: RANDALL WAGNER TIME: MAY 22, 2009
 NAME OF DECEASED: (b)(3):CPSA Section 25(c)
 RESIDENCE: (b)(3):CPSA Section 25(c)
 DOB: 3/11/81 AGE: 28 SEX: M COLOR: W HEIGHT: 70" WEIGHT: 186#
 TIME OF DEATH: 1:36 P.M., MAY 22, 2009 - EDMUND SCULLO, M.D.
 PLACE OF DEATH: EMERGENCY DEPT., BAYHEALTH/MILFORD MEMORIAL HOSPITAL
 MANNER OF DEATH: ACCIDENT
 TIME OF INJURY: 12:38 P.M., MAY 22, 2009
 PLACE OF INJURY: FIELD, S/O SR 36, 1.5 MI. E/O MILFORD, DELAWARE
 BODY REMOVED FROM: HOSPITAL
 BODY REMOVED BY: RANDALL WAGNER
 DATE RECEIVED AT MORGUE: MAY 22, 2009 TIME: 5:23 P.M.
 DATE EXAMINED: MAY 23, 2009 TIME: 1 P.M.
 EXAMINATION PERFORMED BY: JUDITH G. TOBIN, M.D.
 CAUSE OF DEATH: CEREBRAL LACERATIONS AND HEMORRHAGE
AND FRACTURES OF THE BASE OF THE SKULL
AND FACIAL BONES DUE TO BLUNT FORCE TRAUMA.
 CONTRIBUTORY CAUSE: _____
 INVESTIGATING OFFICER: CPL. ANTHONY MENDEZ, DSP TROOP 7, F.A.I.R.
 FUNERAL DIRECTOR: ROGERS FUNERAL HOME

**DELAWARE HEALTH
AND SOCIAL SERVICES**OFFICE OF CHIEF MEDICAL EXAMINER
FORENSIC SCIENCES CENTERRICHARD T. CALLERY, M.D., F.C.A.P.
CHIEF MEDICAL EXAMINER
DIRECTOR, FORENSIC SCIENCES LABORATORY

MLI-09-31 (S-09-606): (b)(3):CPSA Section 25(c)

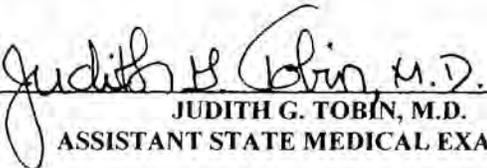
EXAMINATION: MAY 23, 2009 AT 1 P.M.

An endotracheal tube is in place. EKG pads are on the thorax. There is an intravenous catheter below the right clavicle and another in the superior anterior left tibia. A cervical collar is in place and there are bilateral chest tubes. The body is naked.

INSPECTION: The body is that of a well-developed, well-nourished, white male appearing the stated age of 28 years, measuring 70" in length and weighing 186 lbs. Rigor is present. Livor is noted over the posterior surface of the body. The hair is dark-brown and of very short length. The anterior hairline is receding. Stubble is noted over the lower face. Each pupil measures 0.4 cm in diameter and is round and regular. The irides are gray. There is a small amount of hemorrhage within the right eye laterally. The conjunctiva of the left eye is edematous. Blood exudes from the left external auditory canal as well as from the nose and mouth. The lips are cyanotic. The teeth are unremarkable. The head appears flattened in the sagittal plane. There are fractures of both maxillae adjacent to the nose. There is a fracture of the nasal bones with marked bony crepitation and increased mobility. There is a fracture of the right mandible lateral to the right lower incisor with increased bony crepitation and mobility. There are fractures of the alveolar plate of the maxilla posteriorly. There is a fracture of the lateral right mandible 6 cm. to the right of the anterior midline. There is a fracture of the right orbit 4 cm. to the right of the anterior midline. The right eye appears depressed inward. There is cyanosis of the head, neck and shoulders. The breasts, thorax, abdomen and genitalia are unremarkable. There is cyanosis of the nailbeds of the hands.

CAUSE OF DEATH: Cerebral lacerations and hemorrhage and fractures of the base of the skull and facial bones due to blunt force trauma.

MANNER OF DEATH: Accident.



JUDITH G. TOBIN, M.D.
ASSISTANT STATE MEDICAL EXAMINER


**DELAWARE HEALTH
AND SOCIAL SERVICES**

 OFFICE OF CHIEF MEDICAL EXAMINER
FORENSIC SCIENCES LABORATORY

 Richard T. Callery, M.D., F.C.A.P.
Chief Medical Examiner
Director, Forensic Sciences Laboratory
200 South Adams St., Wilmington, DE 19801

CONFIDENTIAL
Toxicology Report

 Requested By: Dr. Richard T. Callery
200 South Adams Street

 Office of the Chief Medical Examiner
Wilmington, DE 19801

Name (b)(3):CPSA Section 25(c)

Case No. S 09-0606

Tox No. 09-0312

Rec'd in Lab by Karen Brensinger

Date 5/28/2009

Time 14:40

Medical Examiner Judith Tobin, MD

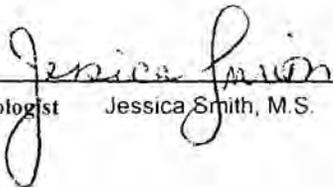
OCME Screens

Procedure	Specimen	Compound	Result
Drug Screen By EIA	Peripheral Blood (Femoral)		None Detected
	Hospital Blood B		None Detected

* Enzyme Immunoassay (EIA) provides only a preliminary analytical result that is contingent upon a confirmatory test.

OCME Confirmations

Procedure	Specimen	Compound	Result
Alcohol Analysis By GCFID	Peripheral Blood (Femoral)	Ethanol	0.093 g/dL
	Vitreous Humor	Ethanol	0.065 g/dL
	Urine	Ethanol	0.121 g/dL
	Hospital Blood B	Ethanol	0.052 g/dL
	Hospital Blood A	Ethanol	0.050 g/dL



 Certifying Toxicologist Jessica Smith, M.S. 07/01/09
Date

MLI-04-31
 2009-5-606

Ru

1. DECEASED'S FULL NAME (Include a.k.a.'s if you filed a marriage certificate)		12. SEX		13. SOCIAL SECURITY NUMBER	
(b)(6)					
32. PART I. Enter the chain of events—diseases, injuries, or complications—that directly caused the death. DO NOT enter terminal events such as cardiac arrest, respiratory arrest, or ventilator malfunction without showing the etiology. DO NOT ABBREVIATE. Enter only one cause on a line. Add additional lines if necessary.					
IMMEDIATE CAUSE (Final disease or condition resulting in death): a. CEREBRAL LACERATIONS & HEMORRHAGE AND XXXXXXXXXXXX b. FRACTURES OF THE BASE OF THE SKULL AND FACIAL BONES Due to (or as a consequence of): c. BLUNT FORCE TRAUMA Due to (or as a consequence of): d.					
PART II. Enter other significant conditions contributing to death but not resulting in the underlying cause given in PART I.					
35. DID TOBACCO USE CONTRIBUTE TO DEATH? <input type="checkbox"/> Yes <input type="checkbox"/> Probably <input checked="" type="checkbox"/> No <input type="checkbox"/> Unknown				36. IF FEMALE: <input type="checkbox"/> Not pregnant within past year <input type="checkbox"/> Pregnant at time of death <input type="checkbox"/> Not pregnant, but pregnant within 42 days of death <input type="checkbox"/> Not pregnant, but pregnant 43 days to 1 year before death <input type="checkbox"/> Unknown if pregnant within the last year	
37. MANNER OF DEATH: <input type="checkbox"/> Natural <input type="checkbox"/> Homicide <input checked="" type="checkbox"/> Accident <input type="checkbox"/> Pending Investigation <input type="checkbox"/> Suicide <input type="checkbox"/> Could not be determined				33. WAS AN AUTOPSY PERFORMED? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Unknown	
38. DATE OF INJURY (Mo/Day/Yr) (Spell Month) MAY 22, 2009				39. TIME OF INJURY 12:38 PM	
40. PLACE OF INJURY (e.g., Decedent's home, construction site, restaurant, wooded area) OPEN FIELD				41. INJURY AT WORK? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
42. LOCATION OF INJURY: State: DELAWARE City or Town: 1.5 MILES E/O MILFORD Street and Number: S/O STATE RTE 36 Apartment No. Zip Code: 19963					
43. DESCRIBE HOW INJURY OCCURRED: DECEDENT DRIVING A 4 WHEEL ATV, LOST CONTROL AND OVERTURNED.					
44. IF TRANSPORTATION INJURY, SPECIFY: <input type="checkbox"/> Driver/Operator <input type="checkbox"/> Passenger <input type="checkbox"/> Pedestrian <input type="checkbox"/> Other (Specify)					
45. CERTIFIER (Check only one): <input type="checkbox"/> Certifying physician-To the best of my knowledge, death occurred due to the cause(s) and manner stated. <input type="checkbox"/> Pronouncing & Certifying physician-To the best of my knowledge, death occurred at the time, date, and place, and due to the cause(s) and manner stated. <input checked="" type="checkbox"/> Medical Examiner-On the basis of examination, and/or investigation, in my opinion, death occurred at the time, date, and place, and due to the cause(s) and manner stated. Signature of certifier: _____					
46. NAME, ADDRESS, AND ZIP CODE OF PERSON COMPLETING CAUSE OF DEATH (Item 32) JUDITH G. TOBIN, M.D., 26351 PATRIOTS WAY, GEORGETOWN, DELAWARE 19947					
47. TITLE OF CERTIFIER MEDICAL EXAMINER		48. LICENSE NUMBER C 10000103		49. DATE CERTIFIED (Mo/Day/Yr) MAY 23, 2009	
50. FOR REGISTRAR ONLY - DATE FILED (Mo/Day/Yr)					
51. DECEDENT'S EDUCATION-Check the box that best describes the highest degree or level of school completed at the time of death: <input type="checkbox"/> 8th grade or less <input type="checkbox"/> 9th - 12th grade, no diploma <input type="checkbox"/> High school graduate or GED completed <input type="checkbox"/> Professional Trade School <input type="checkbox"/> Some college credit, but no degree <input type="checkbox"/> Associate degree (e.g., AA, AS) <input type="checkbox"/> Bachelor's degree (e.g., BA, AB, BS) <input type="checkbox"/> Master's degree (e.g., MA, MS, MEng, MEd, MEd, MBA) <input type="checkbox"/> Doctorate (e.g., PhD, EdD) or Professional degree (e.g., MD, DDS, DVM, LLB, JD) <input type="checkbox"/> Unknown		52. DECEDENT OF HISPANIC ORIGIN? Check the box that best describes whether the decedent is Spanish/Hispanic/Latino. Check the "No" box if decedent is not Spanish/Hispanic/Latino. <input type="checkbox"/> No, not Spanish/Hispanic/Latino <input type="checkbox"/> Yes, Mexican, Mexican American, Chicano <input type="checkbox"/> Yes, Puerto Rican <input type="checkbox"/> Yes, Cuban <input type="checkbox"/> Yes, other Spanish/Hispanic/Latino (Specify) _____ <input type="checkbox"/> Unknown		53. DECEDENT'S RACE (Check one or more races to indicate what the decedent considered himself or herself to be): <input checked="" type="checkbox"/> White <input type="checkbox"/> Black or African American <input type="checkbox"/> American Indian or Alaska Native (Name of the enrolled or principal tribe) _____ <input type="checkbox"/> Asian Indian <input type="checkbox"/> Chinese <input type="checkbox"/> Filipino <input type="checkbox"/> Japanese <input type="checkbox"/> Korean <input type="checkbox"/> Vietnamese <input type="checkbox"/> Other Asian (Specify) _____ <input type="checkbox"/> Native Hawaiian <input type="checkbox"/> Guamanian or Chamorro <input type="checkbox"/> Samoan <input type="checkbox"/> Other Pacific Islander (Specify) _____ <input type="checkbox"/> Other (Specify) _____ <input type="checkbox"/> Unknown	
54. DECEDENT'S USUAL OCCUPATION (Indicate type of work done during most of working life. DO NOT USE RETIRED.)					
55. KIND OF BUSINESS/INDUSTRY					

To Be Completed/Verified By: FUNERAL DIRECTOR

To Be Completed By: MEDICAL CERTIFIER

To Be Completed By: FUNERAL DIRECTOR

Amendment Code:
 Amendment Number:
 Date:
 User ID:
 DE Birth SFX:
 DOC NO:
 REV 107

Task Number: 090526HNE4440
Date: 8/18/09

Status of Missing Document(s)

The official records below were requested for this investigation report, but could not be obtained.

1. photo, 4-wheeled utility vehilce
2. _____
3. _____
4. _____

Date: 8/18/09 Investigator No. 8925

Regional Office: _____ Supervisor No. _____

CONTACT INFORMATION:

Contacted on 6/3/09

Office of the Chief Medical Examiner
200 S. Adams Street
Wilmington, DE 19801
(302) 577-3420

Delaware State Police
603 Philadelphia Pike
Wilmington, DE 19809
(302) 672-5411

#090526HNE4440 N0950329A 5/26/09



ISSUE 35

May 22, 2009

Wilmington man dies in Sussex ATV crash

The News Journal

A 28-year-old Wilmington man died today in an all-terrain vehicle accident east of Milford, state police say.

Emergency personnel were called to a private home in the 20000 block of Sapp Road at 12:38 p.m.

Police said (b)(3):CPSA Secti 28, of (b)(6) was operating a 2006 Arctic Cat Prowler ATV – similar to a dune buggy with a roll bar – when the vehicle overturned and his head hit the ground. He was taken by ambulance to Milford Memorial Hospital, where he was pronounced dead.

Schifferer was using a seat belt while riding the ATV but he was not wearing a helmet, said police spokesman Cpl. Jeff Whitmarsh.

1. Task Number 090526HWE8261		2. Investigator's ID 9069		EPIDEMIOLOGIC INVESTIGATION REPORT
3. Office Code 840	4. Date of Accident YR MO DAY 2009 05 25	5. Date Initiated YR MO DAY 2009 06 11		
6. Synopsis of Accident or Complaint UPC A 31-year-old male victim was driving a four-wheeled, utility vehicle with five passengers up a steep side of a dirt embankment on a narrow ridgeline, when it overturned. The victim made an unsafe turning movement to the left at the top of the mountain, which caused the vehicle's tires to veer off the ridgeline and slide down the embankment. The vehicle rolled over numerous times as it went down the ravine, about 150 to 200 feet, before coming to rest on its wheels. The driver died at the scene and the passengers sustained critical to moderate injuries. None of the victims wore helmets and none were ejected. MFR/PRVLBR NOTIFIED <i>[Signature]</i> 11/23/09 COMMENTS: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> OVERRULED; <input type="checkbox"/> ATTACHED <input checked="" type="checkbox"/> EXCISIONS/FOIA EXS. 3 256 <input checked="" type="checkbox"/> DO NOT RE-NOTIFY <input type="checkbox"/> RE-NOTIFY				
7. Location (Home, School, etc) 5 - OTHER PUBLIC PROPERTY		8. City UNINCORP. RIVERSIDE CO.		9. State CA
10A. First Product 5044 - Utility Vehicles		10B. Trade/Brand Name YAMAHA		10C. Model Number RHINO
10D. Manufacturer Name and Address YAMAHA MOTOR CORPORATION, USA 6555 Katella Avenue Cypress, CA 90630				
11A. Second Product 0		11B. Trade/Brand Name NONE		11C. Model Number NONE
11D. Manufacturer Name and Address NONE				
12. Age of Victim 31	13. Sex 1 - Male	14. Disposition 8 - Death	15. Injury Diagnosis 62 - Intern. Org. Inj.	
16. Body Part(s) Involved 75 - HEAD	17. Respondent 3 - 2nd Hand Info Only	18. Type of Investigation 2 - Telephone	19. Time Spent (Operational / Travel) 12 / 0	
20. Attachment(s) 2 - Documents		21. Case Source 01 - Fire or Police Dept.		22. Sample Collection Number
23. Permission to Disclose Name (Non NEISS Cases Only) <input type="radio"/> Yes <input checked="" type="radio"/> No <input type="radio"/> Verbal <input type="radio"/> Yes for Manuf. Only				
24. Review Date 08/24/2009	25. Reviewed By 8554		26. Regional Office Director Frank J. Nava	
27. Distribution Topka, Tanya; Streeter, Robin			28. Source Document Number N0950338A	

090526HWE8261

This activity was follow-up to a New Clip Search (Source Document #N0950338A). A law enforcement agency with jurisdiction of the incident provided all of the information contained in this report.

This incident involved six family members riding in a four wheeled Utility Vehicle (UTV) being used recreationally in an off-highway area. The incident occurred in a dirt landscape area with flat terrain and steep hills in an unincorporated area of Riverside County in the jurisdiction of Banning, CA. Weather conditions consisted of light winds, warm temperatures and unobstructed visibility. None of the riders were wearing helmets prior to the incident.

According to the official records, the driver, Victim 1 (deceased), a 31-year-old male, was 67 inches tall and weighed 122 pounds. Victim 1 was restrained in the vehicle by a five-point harness. No information was available regarding Victim 1's riding experience.

Victim 2, an 8-year-old female, (height and weight unknown), was restrained in the right front seat with a lap/shoulder harness. She sustained an injury to her right wrist.

Victim 3, a 5-year-old male, (height and weight unknown), was restrained in the left rear seat with a lap/shoulder harness. He sustained fractures to both forearms.

Victim 4, an 8-year-old male, (height and weight unknown), was restrained in the middle rear seat with a lap/shoulder harness. He sustained a fracture to his left hand.

Victim 5, a 1-year-old male, (height and weight unknown), was being held on Victim 2's lap in the right front seat. He sustained abrasions to his abdominal area.

Victim 6, a 4-year-old female, (height and weight unknown), was restrained in the right rear seat with a lap/shoulder harness. She sustained a fractured femur (unknown which leg).

On May 25, 2009, at about 6:00 p.m., Victim 1 was operating a four wheeled UTV with five passengers. Victim 1 drove the vehicle at an unknown speed up the steep side of a mountain on a narrow ridgeline. Near the top of the mountain, Victim 1 made an unsafe turning movement to the left, which caused the vehicle's left side tires to veer off the ridgeline and slide down the descending dirt embankment. The vehicle then overturned numerous times as it went down the ravine, about 150 to 200 feet. The vehicle came to rest on its wheels at the bottom of the ravine. None of the victims were ejected from the vehicle during the incident. After the incident, Victim 4 ran to the family's camp site to get help.

Victim 1 sustained fatal injuries to his head by striking the roll cage about the driver's door during the rollover incident. The five passengers also sustained their respective injuries during the rollover incident.

090526HWE8261

Victim 1 was pronounced deceased at the scene by responding fire personnel.

All of the passengers (Victims 2 – 6) were transported to a local hospital facility for treatment of their injuries.

According to the official records, the UTV sustained rollover damage from the incident. The condition of the brakes and suspension system were not addressed. No prior damage or defects were noted. It is unknown if the UTV had any aftermarket modifications.

Law enforcement investigators determined that Victim 1 caused the incident by making an unsafe turning movement

According to the official reports, Victim 1 possibly had consumed 1-2 beer prior to the incident. Victim 1's exact cause of death and his sobriety are pending the autopsy.

No further information was available.

PRODUCT IDENTIFICATION

Product is a blue, Yamaha Rhino, Utility Vehicle, not further identified. No additional product identification was available.

Manufacturer: Yamaha Motor Corporation USA
6555 Katella Avenue
Cypress, CA 90630

EXHIBITS:

1. California Highway Patrol Traffic Collision Report (Pages 11)
2. Status of Missing Documents (Pages 1)
3. Report Identifiers (Pages 2)

07/03/2009 13:08 951-769-2002

SAN GORGONIO

PAGE 02/12

STATE OF CALIFORNIA

TRAFFIC COLLISION REPORT
CHP 556 CARS PAGE 1 (REV 11-06) OPI 065

PAGE 1 OF 11

SPECIAL CONDITIONS PRIVATE PROPERTY FATAL		NUMBER INJURED 5	HT & HUN FLOYD	CITY UNINCORPORATED	JUDICIAL DISTRICT MSJSC - BANNING	LOCAL REPORT NUMBER NE2009-05-0121			
NUMBER KILLED 1		HT & HUN MAGDOBANOR	COUNTY RIVERSIDE	REPORTING DISTRICT	BEAT 907	DAY OF WEEK MONDAY	TOW AWAY <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		
LOCATION	COLLISION OCCURRED ON: OFF HIGHWAY				MO DAY YEAR 05/25/2009	TIME (2400) 1805	NCIC # 9655	OFFICER I.D. 013211	
	MILEPOST INFORMATION:				GPS COORDINATES LATITUDE LONGITUDE		PHOTOGRAPHS BY: S. KONG <input type="checkbox"/> NONE DIGITAL (29)		
	AT INTERSECTION WITH: <input checked="" type="checkbox"/> OR: 0.5 MILE(S) EAST OF ALESSANDRO BLVD.				STATE HWY REL <input type="checkbox"/> YRS <input checked="" type="checkbox"/> NO				
PARTY 1	DRIVER'S LICENSE NUMBER	STATE	CLASS	AIR BAG	SAFETY EQUIP.	VEH. YEAR	MAKE / MODEL / COLOR	LICENSE NUMBER	STATE
DRIVER	NAME (FIRST, MIDDLE, LAST) (b)(6)				OWNER'S NAME	<input checked="" type="checkbox"/> SAME AS DRIVER			
PEDES. TRIAN					OWNER'S ADDRESS	<input checked="" type="checkbox"/> SAME AS DRIVER			
PARKED VEHICLE					DISPOSITION OF VEHICLE ON ORDERS OF: <input type="checkbox"/> OFFICER <input type="checkbox"/> DRIVER <input checked="" type="checkbox"/> OTHER				
BICY. CLIST	SEX	HAIR	EYES	HEIGHT	WEIGHT	MO	BIRTHDATE DAY YEAR	RACE	AGE
OTHER	HOME PHONE	BUSINESS PHONE			VEHICLE IDENTIFICATION NUMBER: D6				
INSURANCE CARRIER		POLICY NUMBER			VEHICLE TYPE		DESCRIBE VEHICLE DAMAGE		SHADE IN DAMAGED AREA
OR OF TRAVEL ON STREET OR HIGHWAY		SPEED LIMIT			UNK MOD MAJOR		NONE MINOR		<input checked="" type="checkbox"/> ROLL-OVER
PARTY 2	DRIVER'S LICENSE NUMBER	STATE	CLASS	AIR BAG	SAFETY EQUIP.	VEH. YEAR	MAKE / MODEL / COLOR	LICENSE NUMBER	STATE
DRIVER	NAME (FIRST, MIDDLE, LAST)				OWNER'S NAME	<input type="checkbox"/> SAME AS DRIVER			
PEDES. TRIAN	STREET ADDRESS				OWNER'S ADDRESS	<input type="checkbox"/> SAME AS DRIVER			
PARKED VEHICLE	CITY / STATE / ZIP				DISPOSITION OF VEHICLE ON ORDERS OF: <input type="checkbox"/> OFFICER <input type="checkbox"/> DRIVER <input type="checkbox"/> OTHER				
BICY. CLIST	SEX	HAIR	EYES	HEIGHT	WEIGHT	MO	BIRTHDATE DAY YEAR	RACE	AGE
OTHER	HOME PHONE	BUSINESS PHONE			VEHICLE IDENTIFICATION NUMBER:				
INSURANCE CARRIER		POLICY NUMBER			VEHICLE TYPE		DESCRIBE VEHICLE DAMAGE		SHADE IN DAMAGED AREA
OR OF TRAVEL ON STREET OR HIGHWAY		SPEED LIMIT			UNK MOD MAJOR		NONE MINOR		<input type="checkbox"/> ROLL-OVER
PARTY 3	DRIVER'S LICENSE NUMBER	STATE	CLASS	AIR BAG	SAFETY EQUIP.	VEH. YEAR	MAKE / MODEL / COLOR	LICENSE NUMBER	STATE
DRIVER	NAME (FIRST, MIDDLE, LAST)				OWNER'S NAME	<input type="checkbox"/> SAME AS DRIVER			
PEDES. TRIAN	STREET ADDRESS				OWNER'S ADDRESS	<input type="checkbox"/> SAME AS DRIVER			
PARKED VEHICLE	CITY / STATE / ZIP				DISPOSITION OF VEHICLE ON ORDERS OF: <input type="checkbox"/> OFFICER <input type="checkbox"/> DRIVER <input type="checkbox"/> OTHER				
BICY. CLIST	SEX	HAIR	EYES	HEIGHT	WEIGHT	MO	BIRTHDATE DAY YEAR	RACE	AGE
OTHER	HOME PHONE	BUSINESS PHONE			VEHICLE IDENTIFICATION NUMBER:				
INSURANCE CARRIER		POLICY NUMBER			VEHICLE TYPE		DESCRIBE VEHICLE DAMAGE		SHADE IN DAMAGED AREA
OR OF TRAVEL ON STREET OR HIGHWAY		SPEED LIMIT			UNK MOD MAJOR		NONE MINOR		<input type="checkbox"/> ROLL-OVER
PREPARER'S NAME STEVE KONG 013211				DISPATCH NOTIFIED <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A		REVIEWER'S NAME D. WATERS 11069		DATE REVIEWED 060809	

07/03/2009 5:15PM (GMT-04:00)

07/03/2009 13:08

951-769-2002

SAN GORGONIO

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STATE OF CALIFORNIA TRAFFIC COLLISION CODING

PAGE 2 OF 11

DATE OF COLLISION (MO DAY YEAR) TIME (MM) VCIC # OFFICER I.D. NUMBER

OWNER NONE OWNER ADDRESS NOTIFIED YES NO

SEATING POSITION SAFETY EQUIPMENT INATTENTION CODES

ITEMS MARKED BELOW FOLLOWED BY AN ASTERISK (*) SHOULD BE EXPLAINED IN THE NARRATIVE.

Table with columns for PRIMARY COLLISION FACTOR, TRAFFIC CONTROL DEVICES, SPECIAL INFORMATION, and MOVEMENT PRECEDING COLLISION.

SKETCH FOR SKETCH DIAGRAM, SEE PAGE 4



MISCELLANEOUS

07/03/2009 13:08 951-769-2002

SAN GORGONIO

PAGE 04/12

STATE OF CALIFORNIA
INJURED / WITNESSES / PASSENGERS
CHP 555 CARS PAGE 3 (REV 11-06) OPI 065

PAGE 3 OF 11

DATE OF COLLISION (MO. DAY YEAR) 05/25/2009		TIME(Z400) 1805	NCIC # 9655	OFFICER I.D. 013211	NUMBER NE2009-05-0121												
WITNESS ONLY	PASSENGER ONLY	AGE	SEX	EXTENT OF INJURY('X' ONE)				INJURED WAS ('X' ONE)					PARTY NUMBER	BEAT POS.	AIR BAG	SAFETY EQUIP.	EJECTED
		31	M	FATAL INJURY	SEVERE INJURY	OTHER VISIBLE INJURY	COMPLAINT OF PAIN	DRIVER	PASS.	PED.	BICYCLIST	OTHER	1	1	P	H	I

NAME / D.O.B. / ADDRESS (b)(6) TELEPHONE (b)(6)

(INJURED ONLY) TRANSPORTED BY: TAKEN TO:

DESCRIBE INJURIES: HE WAS PRONOUNCED DECEASED AT THE SCENE DUE TO FATAL HEAD INJURIES AT 1813 HOURS BY CDF SQUAD #54 FIRE FIGHTER DON NORTON. CORONER CASE #09-03866. VICTIM OF VIOLENT CRIME NOTIFIED

#		8	F										1	3	P	G	0
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NAME / D.O.B. / ADDRESS (b)(6) TELEPHONE (b)(6)

(INJURED ONLY) TRANSPORTED BY: TAKEN TO:

AMR RIVERSIDE CO. REGIONAL MED. CENTER

DESCRIBE INJURIES: SHE HAD COMPLAINT OF PAIN TO HER RIGHT WRIST. SHE WAS TREATED BY DR. TRAN. VICTIM OF VIOLENT CRIME NOTIFIED

#		5	M										1	4	P	G	0
---	--	---	---	--	--	--	--	--	--	--	--	--	---	---	---	---	---

NAME / D.O.B. / ADDRESS (b)(6) TELEPHONE (b)(6)

(INJURED ONLY) TRANSPORTED BY: TAKEN TO:

AMR RIVERSIDE CO. REGIONAL MED. CENTER

DESCRIBE INJURIES: HE HAD FRACTURES TO BOTH FOREARMS. HE WAS TREATED BY DR. TRAN. VICTIM OF VIOLENT CRIME NOTIFIED

#		8	M										1	5	P	G	0
---	--	---	---	--	--	--	--	--	--	--	--	--	---	---	---	---	---

NAME / D.O.B. / ADDRESS (b)(6) TELEPHONE (b)(6)

(INJURED ONLY) TRANSPORTED BY: TAKEN TO:

AMR RIVERSIDE CO. REGIONAL MED. CENTER

DESCRIBE INJURIES: HE HAD A BROKEN LEFT HAND. HE WAS TREATED BY DR. TRAN. VICTIM OF VIOLENT CRIME NOTIFIED

#		1	M										1	0	P	U	3
---	--	---	---	--	--	--	--	--	--	--	--	--	---	---	---	---	---

NAME / D.O.B. / ADDRESS (b)(6) TELEPHONE (b)(6)

(INJURED ONLY) TRANSPORTED BY: TAKEN TO:

AMR RIVERSIDE CO. REGIONAL MED. CENTER

DESCRIBE INJURIES: HE HAD ABRASIONS TO HIS ABDOMINAL AREA. HE WAS TREATED BY DR. TRAN. (HE WAS SITTING ON P-1'S LAP) VICTIM OF VIOLENT CRIME NOTIFIED

#		4	F										1	6	P	G	0
---	--	---	---	--	--	--	--	--	--	--	--	--	---	---	---	---	---

NAME / D.O.B. / ADDRESS DESIREE CAMARILLO (03/02/2005) 12236 ANZIO ST. GARDEN GROVE CA 92840 TELEPHONE (714)740-1190

(INJURED ONLY) TRANSPORTED BY: TAKEN TO:

MERCY AIR H80 RIVERSIDE CO. REGIONAL MED. CENTER

DESCRIBE INJURIES: SHE HAD A FEMUR FRACTURE. SHE WAS TREATED BY DR. TRAN. VICTIM OF VIOLENT CRIME NOTIFIED

PREPARER'S NAME STEVE KONG	I.D. NUMBER 013211	MO. DAY YEAR 05/25/2009	REVIEWER'S NAME	MO. DAY YEAR
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07/03/2009 13:08

951-769-2002

SAN GORGONIO

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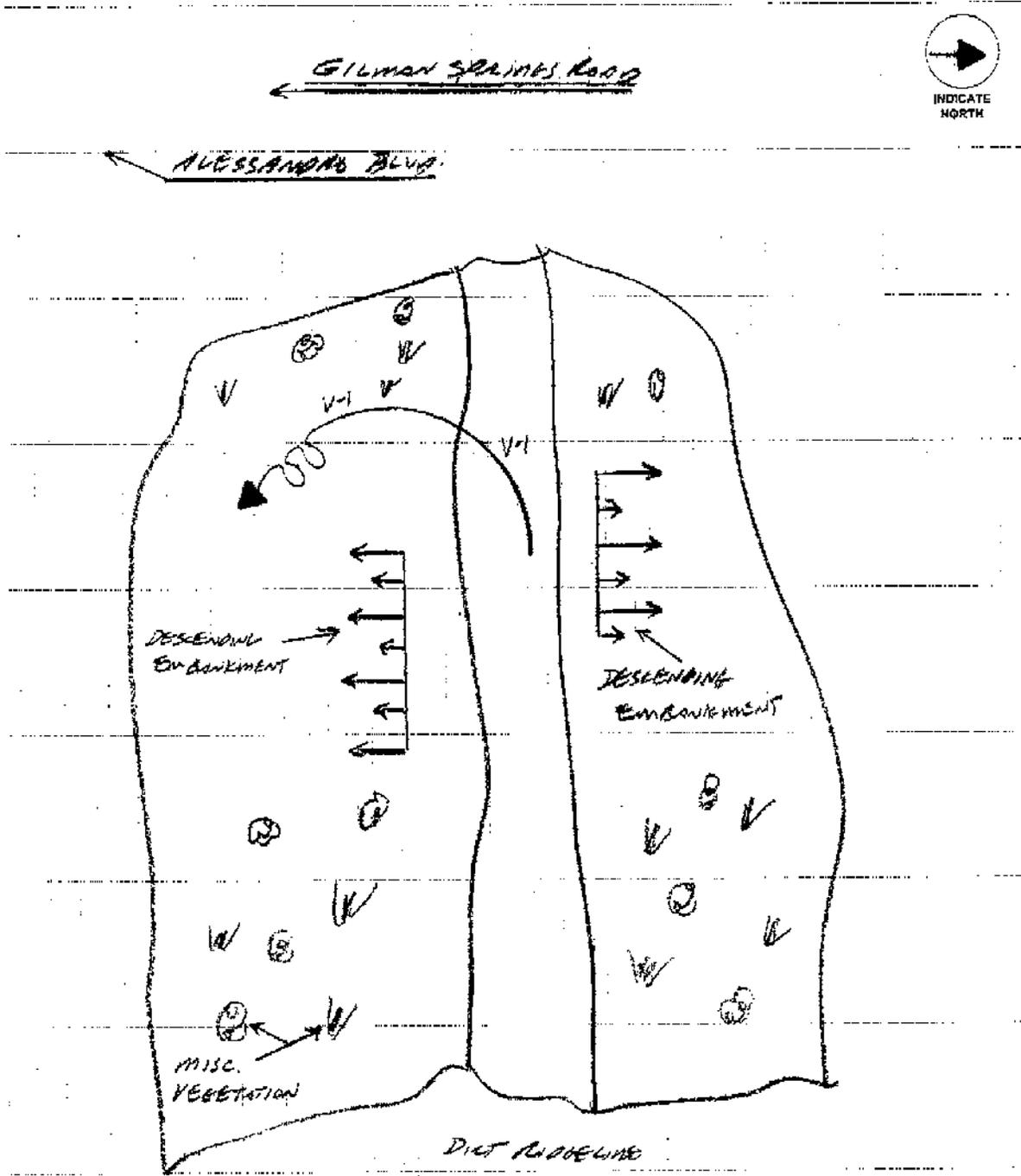
STATE OF CALIFORNIA
FACILITY DIAGRAM
CHP 555 Page 4 (Rev. 1-03) OPI 061

09052614

Page 4 of 11

DATE OF COLLUSION (MO DAY YEAR): 05 25 09	TIME (2400): 1805	NOISE: 965	OFFICER ID: 13211	NUMBER: 2009 0121
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ALL MEASUREMENTS ARE APPROXIMATE AND NOT TO SCALE UNLESS STATED (SCALE =)



DIRT AREA
SKETCH ONLY

PREPARED BY: E. NUNE	ID NUMBER: 13889	MO DAY YEAR: 05 26 09	REVIEWER'S NAME:	MO DAY YEAR:
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07/03/2009 13:08 951-769-2002

SAN GORGONIO

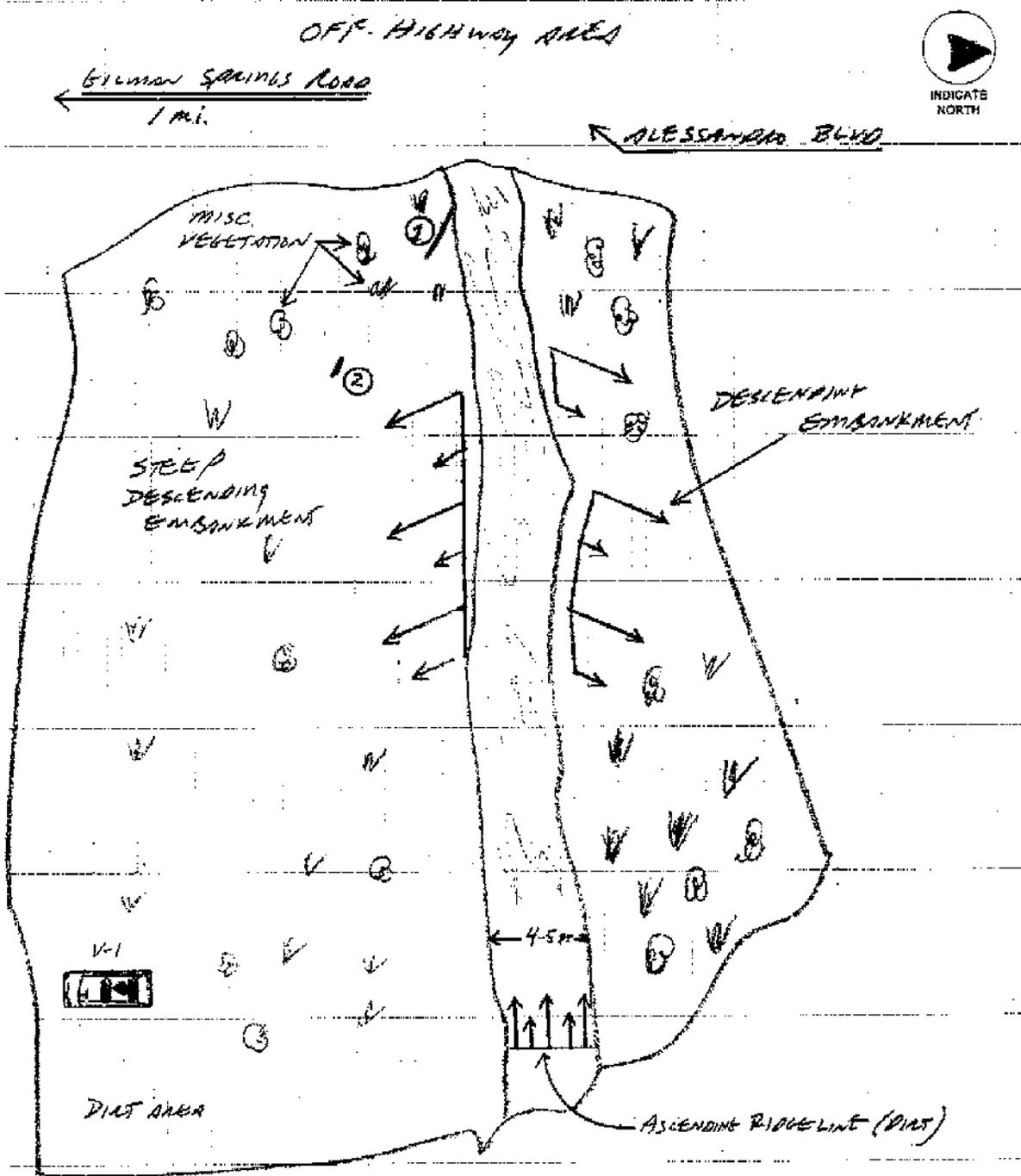
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STATE OF CALIFORNIA
FACTUAL DIAGRAM
CHP 555 Page 4 (Rev. 1-03) OPI 061

Page 5 of 11

DATE OF COLLISION (MO. DAY YEAR): 05 25 09	TIME (R4CD): 1905	ACR#: 9655	OFFICER'S ID: 13211	NUMBER: 2009 05 0121
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ALL MEASUREMENTS ARE APPROXIMATE AND NOT TO SCALE UNLESS STATED (SCALE =)



PREPARED BY: E. NORTE	D. NUMBER: 13889	MO. DAY YEAR: 05 25 09	REVIEWER'S NAME:	NO. DAY YEAR:
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STATE OF CALIFORNIA

NARRATIVE/SUPPLEMENTAL

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DATE OF INCIDENT	TIME	NCIC NUMBER	OFFICER I.D	NUMBER
05/26/2009	1805	9655	013211	NE2009-05-0121

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LEGEND

VEHICLE LOCATION

V-1's left front wheel was located 0.5 mile + 20 feet east of the east edge of Alessandro Blvd. and 1.0 mile - 20 feet north of the north edge of Gilman Springs Road.

V-1's left rear wheel was located 0.5 mile + 20 feet east of the east edge of Alessandro Blvd. and 1.0 mile - 16 feet north of the north edge of Gilman Springs Road.

PHYSICAL EVIDENCE

1) was an area of disturbed dirt that was approx. 5 feet in length and 8 inches wide.

2) was a small scrape mark on a descending embankment. The mark was approx. one foot in length and 3 inches in width

PHYSICAL EVIDENCE LOCATION

1) was located 0.5 mile - 170 feet east of the east edge of Alessandro Blvd. and 1.0 mile + 40 feet north of the north edge of Gilman Springs Road.

2) was located 0.5 mile - 150 feet east of the east edge of Alessandro Blvd. and 1.0 mile + 30 feet north of the north edge of Gilman Springs Road.

PREPARED BY	I.D. NUMBER	DATE	REVIEWER'S NAME	DATE
STEVE KONG	013211	05/26/2009		

STATE OF CALIFORNIA

NARRATIVE/SUPPLEMENTAL

PAGE 7 OF 11

DATE OF INCIDENT	TIME	NCIC NUMBER	OFFICER I.D. NUMBER
05/25/2009	1805	9655	013211

1 **FACTS**

2

3 **NOTIFICATION**

4

5 On May 25, 2009 at approximately 1809 hours, the Inland Communications Center of the
6 California Highway Patrol (CHP) received a call of a fatal off-road collision from a family member
7 of the involved party. Originally, Riverside C.H.P. office was notified to respond to the collision. At
8 approximately 1846 hours, Indio Communications Center received the call and Unit 97-213
9 (Officer F. Costello #12551) and I were dispatched to the scene. I responded from I-10 at
10 Calimesa Blvd. 97-213 arrived on scene at approximately 1906 hours and I arrived on scene at
11 approximately 1911 hours.

12

13

14 **SCENE**

15

16 This collision occurred in an off-highway area that is located north of Gilman Springs Road and
17 east of Alessandro Blvd. The locale consists of a dirt landscape that is accented by both flat
18 terrain and steep hills. At the location of this particular collision, a steep, ascending ridgeline is
19 positioned adjacent to an area of embankments which terminate at the base of a wash/gulley
20 system. The aforementioned ascending ridge runs approximately in an east/west direction.
21 Positioned on either side of the ridgeline are steep, descending dirt embankments. The
22 approximate width of the ridgeline varies from four to five feet. Weather conditions consisted of
23 light winds, warm temperatures and unobstructed visibility. Refer to diagram.

24

25

26

27

28

PREPARED BY	ID. NUMBER	DATE	REVIEWER'S NAME	DATE
STEVE KONG	013211	05/26/2009		

STATE OF CALIFORNIA

NARRATIVE/SUPPLEMENTAL

PAGE 8 OF 11

DATE OF INCIDENT	TIME	NCIC NUMBER	OFFICER I.D.	NUMBER
05/25/2009	1805	9655	013211	NE2009-05-0121

1 **PARTIES**

2

3 **PARTY #1** (b)(6)

4

5 (b)(3):CPSA was located in a prone position, facing in a northerly direction, along the driver's
6 side of V-1. (b)(3):CPSA was seat belted in the driver's seat with a five point harness during the
7 collision. One of the fire fighters from Squad #54 removed the seat belt and (b)(6) fell to
8 the position found. (b)(6) was identified by a California drivers license found by the
9 coroner. (b)(6) was determined to be the driver of Vehicle #1 at the time of the collision by

10 the following:

11

- 12 • The statements of the passengers.
- 13 • His injuries.
- 14 • His location found inside of V-1.

15

16 Vehicle #1 (Yamaha Rhino): Upon CHP arrival, Vehicle #1 was located on its wheels, facing in a
17 southerly direction at the bottom of the ravine. Vehicle #1 sustained rollover damage.

18

19 No prior damage or defects noted.

20

21

22 **INTOXICATION**

23

24 (b)(3):CPSA sustained a fatal injury as a result of this collision. An autopsy was pending by the
25 Riverside County Coroner's Office. Toxicology results and exact cause of death were unknown at
26 the time the report was completed.

27

28

PREPARED BY	I.D. NUMBER	DATE	REVIEWER'S NAME	DATE
STEVE KONG	013211	05/26/2009		

STATE OF CALIFORNIA

NARRATIVE/SUPPLEMENTAL

PAGE 9 OF 11

DATE OF INCIDENT	TIME	NCIC NUMBER	OFFICER I.D.	NUMBER
05/25/2009	1805	9655	013211	NE2009-05-0121

1 **AUTOPSY AND INJURY DESCRIPTIONS**

2

3 Party #1 (b)(6)

4

5 (b)(6) sustained a fatal head injury as a result of this collision. He was pronounced
6 deceased at the scene by CDF Squad #54 fire fighter Don Norton. Coroner case number 2009-
7 03866. The exact cause of death and sobriety is pending the autopsy report.

8

9

10 **24 HOUR PROFILE**

11

12 Party #1 (b)(6):

13 (Provided by his wife, (b)(6), to Officer F. Costello)

14

15 Yesterday evening at about 1700 hours, they went to the mall in Anaheim near Disneyland. From
16 there, they went to the Block at 1900 hours and bought shoes for the kids. They drove home from
17 the Block after shopping. They went to bed around 2330 hours and got up around 0900 hours.
18 They left the house around noon. They stopped at the bank and the grocery store and got to the
19 off-road place around 1400 hours. They met their other family members at the off-road place and
20 were having a good time. At 1715 hours, they left for one last ride. They wanted to leave by 1800
21 hours to go watch the Lakers game. He possibly had 1-2 beers while at the off-road place.

22

23

24 **PHYSICAL EVIDENCE**

25

26 Damage to V-1.

27 Injuries sustained by P-1 and passengers.

28

PREPARED BY	I.D NUMBER	DATE	REVIEWER'S NAME	DATE
STEVE KONG	013211	05/26/2009		

STATE OF CALIFORNIA

NARRATIVE/SUPPLEMENTAL

PAGE 10 OF 11

DATE OF INCIDENT	TIME	NCIC NUMBER	OFFICER I.D. NUMBER	NUMBER
05/25/2009	1806	9655	013211	NE2009-05-0121

1 **STATEMENTS**

2

3 Passengers (b)(6)

4 (Interviewed by Officer Costello at Riverside Co. Regional Medical Center)

5

6 They all stated that P-1 was driving the Rhino up the hill at a very slow speed. They were almost
7 at the top when it started to slide to the left. The Rhino went off the road and started to flip as it
8 went down the hill. After the collision, Johnathan ran back to the camp and let everyone know
9 what happened.

10

11

12 **OPINIONS AND CONCLUSIONS**

13

14 **SUMMARY**

15

16 P-1 (b)(6) was driving V-1 (Yamaha Rhino) in a westerly direction at an unknown speed up
17 the steep mountain on a narrow ridgeline. Near the top of the mountain, P-1 made an unsafe
18 turning movement to the left. This unsafe movement caused V-1's left side tires to veer off the
19 ridgeline and slide down the descending dirt embankment. V-1 overturned numerous times as it
20 went down the ravine for approximately 150 to 200 feet. P-1 sustained fatal injuries to his head by
21 striking the roll cage above the driver's door during the rollover sequence. The passengers also
22 sustained their respective injuries during the rollover sequence. After the collision, V-1 came to
23 rest on its wheels, facing in a southerly direction at the bottom of the ravine. One of the fire
24 fighters at the scene unbuckled P-1's seatbelt. P-1 fell to the ground and came to rest in a prone
25 position, facing in an easterly direction, and next to the driver's side. All the passengers were
26 transported prior to C.H.P. arrival.

27

28 (Summary was based on location of V-1, injuries, statements, and damage to V-1)

PREPARED BY	I.D. NUMBER	DATE	REVIEWER'S NAME	DATE
STEVE KONG	013211	05/26/2009		

STATE OF CALIFORNIA

NARRATIVE/SUPPLEMENTAL

PAGE 11 OF 11

DATE OF INCIDENT	TIME	NCIC NUMBER	OFFICER I.D.	NUMBER
05/25/2009	1805	9655	013211	NE2009-05-0121

1 **AREA OF IMPACT (AOI's)**

2

3 AOI was located 0.5 mile east of the east edge of Alessandro Blvd. and 1.0 mile north of the north
4 edge of Gilman Springs Road.

5

6 (Area of impacts were based on location of V-1, injuries, statements, and damage to V-1)

7

8

9 **CAUSE**

10

11 Party #1 (b)(3):CPSA Section 2) caused this collision by making an unsafe turning movement.

12

13 (Cause was based on location of V-1, injuries, statements, and damage to V-1.)

14

15

16 **RECOMMENDATIONS**

17

18 None.

19

20

21

22

23

24

25

26

27

28

PREPARED BY	I.D. NUMBER	DATE	REVIEWER'S NAME	DATE
STEVE KONG	013211	05/26/2009		

Task No. 090526HWE8261

Date: 08-24-09

Status of Missing Document(s)

The official records were requested for this investigation report but could not be obtained.

1. Coroner Records

2. CHP Photographs

3. Fire Department Records

4. _____

5. _____

DATE: 08-24-09

INVESTIGATOR NO: 9069

REGIONAL OFFICE: 840

SUPERVISOR NO: 9045

Report Identifiers

Victim 1:
(Decedent)

(b)(6)

Victim 2:
(Injured)

Victim 3:
(Injured)

Victim 4:
(Injured)

Victim 5:
(Injured)

Passenger (sitting on lap of the front seat passenger) in the incident vehicle. Not restrained. Received abrasions to his abdominal area.

Victim 6:
(Injured)

(b)(6)

Other:

*Declined to provide any additional vehicle information.

Other:

California Highway Patrol
San Geronio Pass
195 Highland Springs Avenue
Beaumont, CA. 92223
(951) 769-2000
(Contacted on 06-11-09; 07-07-09)

*Advised no further vehicle identification information was available.

Other:

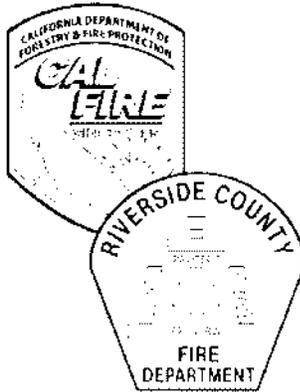
Riverside County Sheriff's Department
Coroner Bureau
800 S. Redlands Avenue
Perris, CA 92579
(951) 443-2390
(Contacted on 06-11-09; 08-04-09; 08-18-09; 08-24-09)

*Advised Corner Reports were not ready for release and that a release date was unknown.

Other:

Riverside County Fire Department
210 W. San Jacinto Avenue
Perris, CA 92570
(951) 940-6960
(Contacted on 06-11-09)

*Advised no reports other than the original source document were available.



#090526HWE8261 N0950338A 5/27/09

ISSUE 35

INCIDENT INFORMATION FACT SHEET

Incident Name Gilman **Incident Number** CARRU-46050
Date Reported 05/25/2009 **Time Reported** 6:12 PM
Type of Incident Off-Road Traffic Collision
Incident Location Gilman Hot Springs Rd **City** East of Moreno Valley
Size/Type of Fuel/etc. **Cause**
Loss \$0 (STR)\$ \$0 (Contents)\$ \$0 **Vehicle(s)** \$0
Save \$0 (STR)\$ \$0 (Contents)\$ \$0 **Cost to Date** \$0
Injuries: Fatalities 1 **Critical** 1 **Moderate** 0 **Minor** 4 **Non-Injury** 0
Transported Ground AMB 4 **Air AMB** 1
Containment Time **Control Time**

Resources Assigned

Engines	<u>4</u>	Breathing Supp.	<u>0</u>	Helicopters	<u>0</u>
Truck Co	<u>1</u>	Squad	<u>0</u>	Air Attack	<u>0</u>
Firefighters	<u>17</u>	RVC Medics	<u>0</u>	Air Tankers	<u>0</u>
Overhead Personnel	<u>2</u>	AMB's	<u>3</u>	Fire Crews	<u>0</u>
Haz. Mat	<u>No</u>	Co. Health	<u>No</u>	County	<u>No</u>
				Fire	<u>No</u>
				OES	<u>Prev.</u>
Electrical Co	<u>No</u>	Gas Co	<u>No</u>	Water Co	<u>No</u>
Red Cross	<u>No</u>	Chaplain	<u>Yes</u>	Displaced	<u>No</u>
				Persons	
Misc. Equip		Sheriff's Office	<u>No</u>	CHP	<u>Yes</u>
				Office	<u>Indio</u>
				Bulldozers	<u>0</u>
				Adult	<u>0</u>
				Child	<u>0</u>

Cooperating Agencies

American Medical Response, CAL FIRE/Riverside, Riverside County Chaplain, Riverside County Fire Dept, Riverside County Sheriff's Office

Supplemental

Comments Off road roll over accident involving a solo Rhino off-road vehicle. The incident resulted in one fatality, 1 critical and four moderate injuries. All injured were transported by ground to a local trauma center.

Problems

Evacuations No **Evacuation Comments**

Information Center 951-940-6985 **OR**

Prepared By Jennifer Ricci

Prepared Date/Time 05/26/2009 0858

POLK COUNTY SHERIFF'S OFFICE

1005 W. Main, Suite 900 - Balsam Lake, WI 54810

TIMOTHY G. MOORE, SHERIFF
STEVEN B. MOE, CHIEF DEPUTY

090528HWE8262
Attachment#1

BUSINESS OFFICE TELEPHONE: 715-485-8350
BUSINESS OFFICE FAX NUMBER: 715-485-8355
DISPATCH TELEPHONE: 715-485-8300
DISPATCH FAX NO.: 715-485-8310

FACSIMILE COVER LETTER

DATE: 6/9/09

TOTAL AMOUNT OF PAGES, INCLUDING COVER LETTER: 5

TO: Jerry

AGENCY NAME: US Consumer Products Commission

FACSIMILE NUMBER: 651-484-7225

FROM: Shelley

RE: Ca. * 09-1011

COMMENTS: _____

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POLK COUNTY CASE REPORT

Summary

Print Date/Time: 08/09/2009 12:05
Login ID: (b)(6)
Case Number: 2009-00001011

POLK COUNTY SHERIFFS OFFICE
ORI Number: WI0490000

Case

Case Number: 2009-00001011
Location: (b)(6)
FREDERIC, WI 54837
Reporting Officer ID: 1947 - VITALIS
Incident Type: ACCIDENT - FATAL
Occurred From: 05/25/2009 16:57
Occurred Thru: 05/25/2009 16:57
Disposition:
Disposition Date:
Reported Date: 05/25/2009 16:57 Monday

Offenses

No. Group/ORI	Crime Code	Statute	Description	Counts
---------------	------------	---------	-------------	--------

Subjects

Type	No.	Name	Address	Phone	Race	Sex	DOB
INFORMATIONAL	1	(b)(6)	(b)(6)	(b)(6)	WHITE	FEMAL E	08/05/1942
INFORMATIONAL	2	(b)(6)	(b)(6)	(b)(6)	WHITE	MALE	07/14/1940
INFORMATIONAL	3	(b)(6)	(b)(6)	(b)(6)	WHITE	MALE	03/01/1966
INFORMATIONAL	4	(b)(6)	(b)(6)	(b)(6)	WHITE	FEMAL E	04/28/1968
INFORMATIONAL	5	(b)(6)	(b)(6)	(b)(6)	WHITE	MALE	01/16/1971
INFORMATIONAL	6	(b)(6)	(b)(6)	(b)(6)	WHITE	FEMAL E	10/13/1964
VICTIM	1	(b)(6)	(b)(6)	(b)(6)	WHITE	MALE	02/25/1998
VICTIM	2	(b)(6)	(b)(6)	(b)(6)	WHITE	MALE	11/24/1999

Arrests

Arrest No.	Name	Address	Date/Time	Type
------------	------	---------	-----------	------

Property

Date	Code	Type	Make	Model	Description	Tag No.	Item No.
------	------	------	------	-------	-------------	---------	----------

Suspect Vehicles

No.	Vehicle Type	Year	Make	Model	Color	License Plate	State
-----	--------------	------	------	-------	-------	---------------	-------

DBURROWS 919 SUP 5/26/09
On Monday, May 26, 2009 at 1700 hrs Deputy Andrew Vitalis and I, Deputy Don Burrows were dispatched to (b)(6)
Street County Road O for an ATV accident.

Dispatch advised us that an 11 year old male was trapped underneath a four-wheeler and that CPR was in progress on
Page 1 of 4

POLK COUNTY CASE REPORT

Summary

Print Date/Time: 06/09/2009 12:05
Login ID: (b)(3):CPSA S
Case Number: 2009-00001011
this individual.

POLK COUNTY SHERIFFS OFFICE
ORI Number: WI0490000

At 1717 hrs we arrived on scene. At this address there was a long driveway approximately a half mile long that went from County Road O to the west approximately a third of a mile. It appeared that a Polaris Ranger had tipped over onto the 11 year old male individual. EMS staff on scene was attempting CPR on this male individual. A Lifelink Helicopter was also requested to do an on-scene landing.

When I drove up to the accident scene I could see what appeared to be ATV marks that were fishtailing down the driveway. It did appear that the ATV had been heading westbound and then slid into the north ditch. It appears that the front left tire area hit the ditch first causing the ATV to tip on its left side. It is believed that the male individual went across the driver's body and got trapped underneath the roll bar of the Polaris Ranger.

I then met with (b)(6). They informed me that their son (b)(3):CP had been operating the Polaris Ranger. (b)(6) told me that (b)(3):CPSA (his nephew) had been riding as a passenger on the Polaris Ranger. (b)(6) informed me that his son (b)(6) ran back to the cabin to help. (b)(6) said that when they got there (b)(6) head had been pinned underneath the roll bar of the Polaris Ranger.

I then met with (b)(6) R (the grandparents to (b)(6)). They informed me that when (b)(6) came back to the cabin he notified them of the accident and they went down to the scene to assist. (b)(6) stated that they found SAM not breathing and his head pinned underneath the ATV. (b)(6) stated that they tipped the ATV up slightly to remove (b)(6) and began CPR right away. (b)(6) again identified the male individual who was receiving CPR as (b)(3):CPSA and the operator of the ATV as (b)(6) her grandsons. (b)(6) informed me that the Polaris Ranger was his and that they had been out staying at his cabin which is located at 3211 50th Street County Road O

I then met with (b)(6) was scared and confused by what had happened. I asked (b)(6) if he had any injuries and he stated that his back was sore. I did not see any apparent injuries on (b)(6) other than a small scrape or rash on his back. (b)(6) was transported to St. Croix Regional Medical Center by ambulance.

I again examined the scene of the accident. It did appear that the ATV had been fishtailing before they lost control and struck the north ditch. It did not appear that either juvenile had been wearing protective headgear or seatbelts which were equipped in the Polaris Ranger.

Deputy Vitalis did take pictures of the accident scene. A Lifelink Helicopter did land on scene and did assist in the medical treatment of (b)(6). Other officers that arrived on scene were Sgt. Mike Stoffel, DNR Warden Jesse Ashton and Lt. Steve Smith.

At approximately 1810 hrs CPR was stopped and the Medical Examiner was requested. At approximately 1830 hrs Medical Examiner Dinnies arrived on scene. Rowe Funeral Home was requested to remove (b)(6) from the scene.

At 1921 hrs we cleared from the scene. The Polaris Ranger was towed to the cabin.

At 2115 hrs I went to St. Croix Regional Medical Center and spoke with the parents of SAM. They identified themselves as (b)(6). I informed the (b)(6) that their son was at Rowe Funeral Home and provided them contact information for the funeral home and Medical Examiner Jonn Dinnies.

On May 26, 2009 about 1630 hrs I did make contact with (b)(6) the father of (b)(6). (b)(6) informed me that (b)(6) only had bruising from the accident and no other apparent injuries.

No further information at this time.

POLK COUNTY CASE REPORT

Summary

Print Date/Time: 06/09/2009 12:05
Login ID: shelley.hines
Case Number: 2009 00001011
DB:dn

POLK COUNTY SHERIFFS OFFICE
ORI Number: WI0490000

AVITALIS 909 INITIAL 5/25/09 1945 HRS

On 5/25/09 I Polk County Deputy Andrew Vitalis did overhear Polk County Dispatch paging Frederic Ambulance (975) and Northland First Responders to 3211 50th Street County Highway O reference to an ATV accident. Polk County Dispatch also stated that there was a juvenile male involved and CPR was in progress.

Myself and Deputy Burrows did respond from the Justice Center. While en route I requested that Polk County Dispatch put North Air on standby. While monitoring radio traffic en route to the residence ambulance 975 did eventually request an on-scene landing from the North Air Helicopter.

Upon arrival I did travel west on a private driveway extending off of County Road O. It appeared as though there were at least three residences on that private driveway including house number 3211.

While traveling west down the private driveway approximately 1/2 mile west of County Road O I did observe several EMS members who appeared to be giving aid to a subject on the ground. As I approached their location I also observed a Ranger All Terrain Vehicle in the north ditch on its side. At that point I was able to clearly see that directly in front of the Ranger was a juvenile male being worked on by several EMS members. I could see that CPR was actively in progress. I observed a second juvenile male lying on the ground to the west of the Ranger. He was also being attended to by medical personnel.

The subject who was being given CPR was identified by his grandfather to be (b)(3):CPSA Section (DOB 2/25/98). The other juvenile male involved was identified to be (b)(6) (DOB 11/24/99). I did speak with the victim's grandfather, (b)(6). He stated that the Polaris Ranger was his and that he had given both boys permission to ride it, however, they were not supposed to be on the road. (b)(6) added that his grandson (b)(6) ran up to the trailer house where they were to report to the accident. He then responded to the scene of the accident with his wife (b)(6) mother. It was at that point that they did find (b)(3):CPSA Sect pinned underneath the roll bar on the Ranger ATV. According to (b)(6) he and (b)(6) S mother lifted up the Ranger just enough so that his wife (b)(6) could pull (b)(6) out from under it. Immediately (b)(6) began giving (b)(6) CPR. (b)(6) did tell me where (b)(6) was found and did point to a noticeable pool of blood in the ditch near the roll bar of the RANGER. According to (b)(6) the roll bar was on SAMUEL'S head when he first arrived. (b)(6) was in a fetal position and his face was toward the south or towards the Ranger.

I did feel based on that explanation that the roll bar most likely struck (b)(6) in the left side of his head causing significant damage.

It should be noted while inspecting the accident scene I did also observe what appeared to be fresh skid marks in the dirt driveway. Based on those marks it appeared as though at one point the Ranger was fishtailing and out of control. Based on my initial observation I felt that the Ranger while traveling west bound was traveling at a high rate of speed and at one point (b)(6) who was driving lost control of the Ranger. Based on my initial observations I felt that the Ranger began to rotate in a clockwise fashion, striking the ditch line and partially rolling onto its side ejecting both parties. Evidence at the accident scene and after inspecting the Ranger indicated that neither (b)(6) were safety belted.

Deputy Burrows was also on scene and had a chance to speak with members of (b)(6) S family while I assisted EMS. My initial observation of (b)(6) was a large amount of blood coming from both of his ears, specifically his left ear and blood coming from his nose. He was unresponsive and according to EMS personnel they had not and were not receiving a pulse from him.

CPR continued. At one point North Air arrived on scene and assisted in treating (b)(3):C. CPR continued for an extended period of time before EMS personnel eventually informed me that they were stopping CPR.

POLK COUNTY CASE REPORT

Summary

Print Date/Time: 06/09/2009 12:05
Login ID: shelley hines
Case Number: 2009-00001011

POLK COUNTY SHERIFFS OFFICE
ORI Number: WI0490000

Sgt. Stoffel of the Sheriff's Department was also on scene. I advised him what was taking place. Sgt. Stoffel did contact both Lt. Steve Smith and Medical Examiner Dinnies. I photographed the area of the accident including the apparent skid marks on the road, also the Ranger and the body of (b)(3):CPSA Se.

While waiting on scene Medical Examiner Dinnies did eventually arrive. Medical Examiner Dinnies did inspect the body and did ask that I take photographs of the body as well. The photos are attached to this case file.

Eventually the funeral home did arrive on scene and the body was removed at that point.

It should be noted after running the VIN on the Polaris Ranger it did return not on file, however, according to VIN assist did return to a 2004 Polaris. (b)(6) did state to me that he did own the Polaris Ranger. Deputy Burrows did also state that he was going to complete a supplemental report in reference to this incident.

That is all the information I have at this time.

AV:dn

cc: Medical Examiner Dinnies

SUPERVISOR

Date

DEPUTY SHERIFF

Date

Routing:



OFFICE OF THE MEDICAL EXAMINER

Medical Examiner
Jon B. Dinnies

0905218HWE8262
Attachment# 2

FAX COVER SHEET

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TODAY'S DATE: June 10, 2009

TO: Jerome R. Boog

FROM: Jon Dinnies

FAX NUMBER: (866) - 748-1404

REGARDING: Medical Examiner report (b)(3);CPSA Secti

NUMBER OF PAGES (INCLUDING THIS COVER SHEET): 2

NAME/PHONE # OF PERSON SENDING FAX: Jon Dinnies
715-485-9218

FAX # CORRESPONDENCE IS BEING FAXED FROM: 715-485-9272

POLK COUNTY JUSTICE CENTER
1005 West Main Street, Suite 700 • Balsam Lake, WI 54810
Ph: 715-485-9218 • Fax: 715-485-9272

OFFICE OF THE MEDICAL EXAMINER

Chief Medical Examiner
Jon B. Dinnies, ABMDI
jonnd@co.polk.wi.us

Chief Deputy Medical Examiner
Mary A. Ricci, ABMDI
maryr@co.polk.wi.us

POLK COUNTY JUSTICE CENTER
1005 West Main Street, Suite 700 · Balsam Lake, WI 54810
Phone: 715 485-9218 · Fax: 715 485-9272

Medical Examiner's Narrative
May 26, 2009
Case Number 114

Initial call:

I was called by the PCSD dispatch at 1815 hours notifying me of a death from an ATV crash in Lorraine Township. I am told that there is number of law enforcement personal on scene as well as LifeLink III Helicopter.

Scene:

I arrived on scene at 1840 hours and was met by Lt. Steve Smith of the PCSD as well as Deputies Andrew Vitalis and Don Burrows. EMS personal still assisting on scene from 975 was Tony Peterson. The road that we are on is a private sand driveway at 3199 50th Street or County Road "O" in Lorraine Township. The decedent is an 11 year old male, (b)(3):CPSA Section 25(c), DOB 2/25/1998.

History:

I am told by law enforcement that the decedent was a passenger on a utility type vehicle or Polaris Ranger (commonly referred to as an ATV) operated by his 9 year old cousin, Howard Miller, of Somerset, WI. The driver lost control of the UV and overturned pinning Samuel beneath the roll bars of the vehicle. There were no helmets worn and no seat belts used. The decedent's grandfather was able to extricate the boy from under the UV and then the grandmother started CPR. Frederic Ambulance and Lorraine Fire Dept were dispatched to the scene and LifeLink III was also sent to the scene. Resuscitation efforts continued at the scene for over an hour until death was declared by medical command at Regions Hospital in St. Paul, MN. Dr. Sharis Thayer was the pronouncing physician.

Body:

I examined the boy after arrival. He is still near the UV on a backboard with cervical spine immobilization. He is intubated and has an interosseous IV access in his right mid tibia. There is no rigor but he does have early non-fixed lividity. He has a palpable large skull deformity left post auricular area with large amounts of blood from both ears. No other injuries are noted.

Disposition:

Cause of death:	Blunt Force Traumatic head injuries
Manner of death:	accidental

The body is released from the scene to the Rowe Funeral Home who assisted with the removal. Parents were notified by the PCSD and I have spoke with the father, Brett Miller. They will be using the Sandberg Funeral Home in North St. Paul on east 7th Street. Their phone number is 651-777-2600.

Jon B. Dinnies
Polk County Medical Examiner

090528HWE8262 Attachment# 3

Contact List

Polk County ME Office
John Dinnes/ME
1005 W. Main Street
Balsam Lake, WI 54810
715-485-8300

Polk County Sheriff
1005 W. Main Street
Balsam Lake, WI 54810
715-485-8350

TwinCities.com

St. Paul boy, 11, dies in utility vehicle rollover in Polk County, Wis.

Polaris Ranger driven by cousin, 9

By Andy Rathbun
arathbun@pioneerpress.com

Updated: 05/26/2009 10:48:38 PM CDT

An 11-year-old St. Paul boy died Monday afternoon after an off-road vehicle he was riding in rolled on top of him.



An 11-year-old St. Paul boy died Monday afternoon after an off-road vehicle driven by his younger cousin tipped over on top of him in western Wisconsin.

(b)(3):CPS, 9, was driving a Polaris Ranger

utility vehicle near their grandparents' property in Polk County when it rolled on top of (b)(3):CP. After family members lifted off the vehicle, (b)(6) grandmother and rescue workers performed CPR for more than an hour to try to resuscitate him, the Polk County sheriff's office said.

(b)(6) died at the scene, the sheriff's office said.

The cousins were riding along a private driveway about 5 p.m. in the town of Lorain, Wis., when (b)(6) apparently lost control of the vehicle, according to the sheriff's office. The vehicle rolled over, pinning (b)(6) underneath.

(b)(3): of Somerset, Wis., was treated for unknown injuries, said Lt. Steve Smith.

The Polaris Ranger is larger and heavier than all-terrain vehicles, said Gary Eddy, ATV and snowmobile administrator for the Wisconsin Department of Natural Resources. The vehicle can weigh more than 1,000 pounds.

While there are several state requirements for children younger than 12 operating ATVs — including the use of helmets, engine size restrictions and parent accompaniment — there are no laws regulating the type of vehicle the Millers were in, Eddy said.

It's up to the discretion of parents to decide how their children use these types of vehicles, he said.

Since they are not considered ATVs, the Wisconsin DNR does not track injury and fatality records for them. Utility vehicles often have safety features such as roll bars and safety belts that can make them safer than ATVs, Eddy said.

Wisconsin had 12 fatalities from ATV accidents in 2008, down from a record high of 24 the year

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before.

Neither boy was wearing a helmet or a seat belt, according to the sheriff's office, which continued to investigate the incident.

(b)(7) was a student at Four Seasons A+ Elementary in St. Paul. The school on Tuesday sent a letter about (b)(6) death home with students.

His family could not be reached for comment.

Lorain is about 80 miles northeast of St. Paul near the village of Frederic, Wis.

Andy Rathbun can be reached at 651-228-2121.

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