

1. Task Number 090204CCC1403		2. Investigator's ID 3385		<b>EPIDEMIOLOGIC INVESTIGATION REPORT</b>
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.  <b>MFR/PRVLBR NOTIFIED</b> COMMENTS: <u>YES</u> <input checked="" type="checkbox"/> <u>NO</u> <u>OVERRULED;</u> <u>ATTACHED</u> <input checked="" type="checkbox"/> <u>EXCISIONS/FOIA EXS. Sec. 6</u> <input checked="" type="checkbox"/> <u>DO NOT RE-NOTIFY</u> <u>RE-NOTIFY</u> <i>[Signature]</i> 5/18/09				
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	

**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).

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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

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**EXHIBIT # 1**

Contact # 1:



**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**

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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

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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**

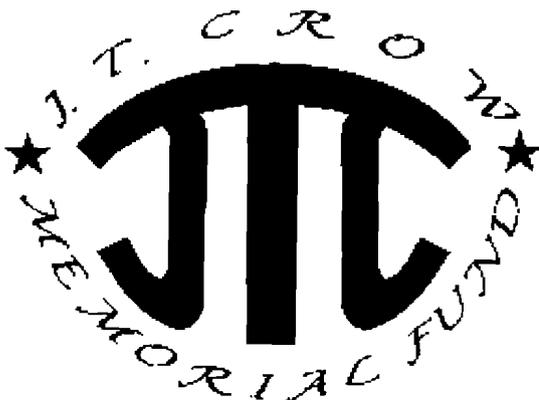
**315 N Main St**

**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

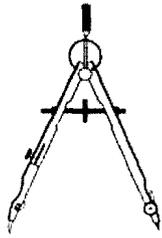


**Yamaha Rhino® All-terrain Vehicles**

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



THE  
**ENGINEERING**  
INSTITUTE

PRELIMINARY INVESTIGATIVE REPORT

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- ON BEHALF OF -

**FABRICE VINCENT, ESQ.**

LIEFF, CABRASER, HEIMANN & BERNSTEIN, LLP.

EMBARCADERO CENTER WEST

275 BATTERY STREET, 30<sup>TH</sup> FLOOR

SAN FRANCISCO, CA 94111-339

PHONE: 415-956-1000

FAX: 415-956-1008

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*CROW*

*vs.*

*YAMAHA MOTOR COMPANY, LTD., ET AL.*

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H. ALEX ROBERTS, P.E.

## INVESTIGATIVE SUMMARY

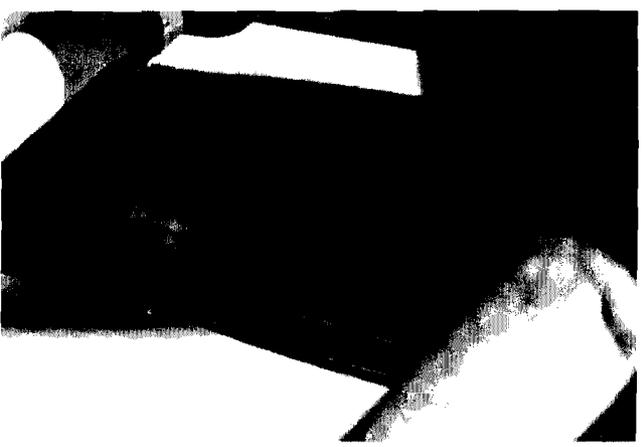
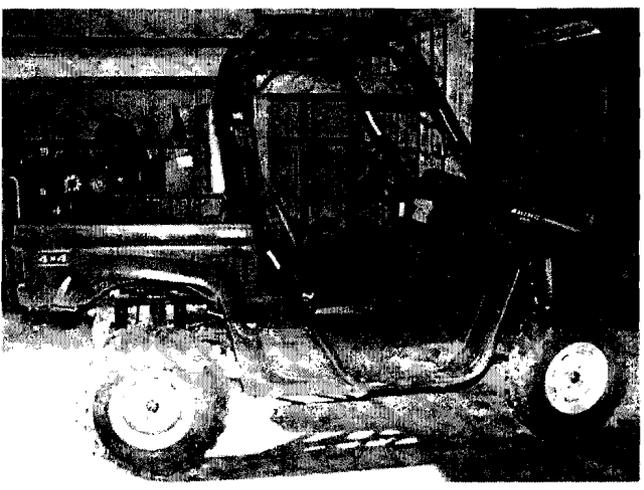
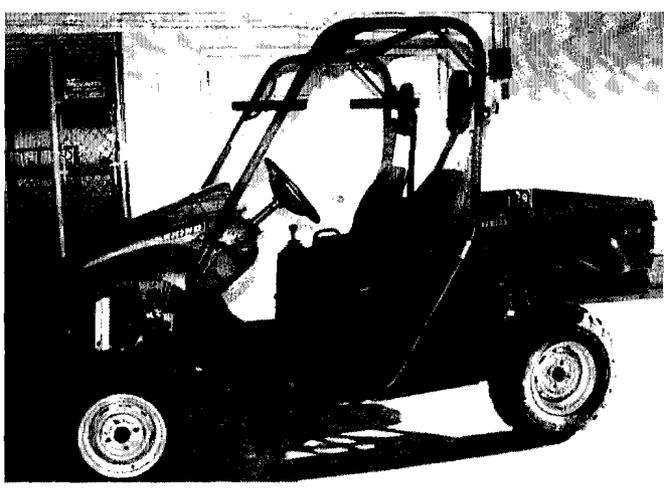
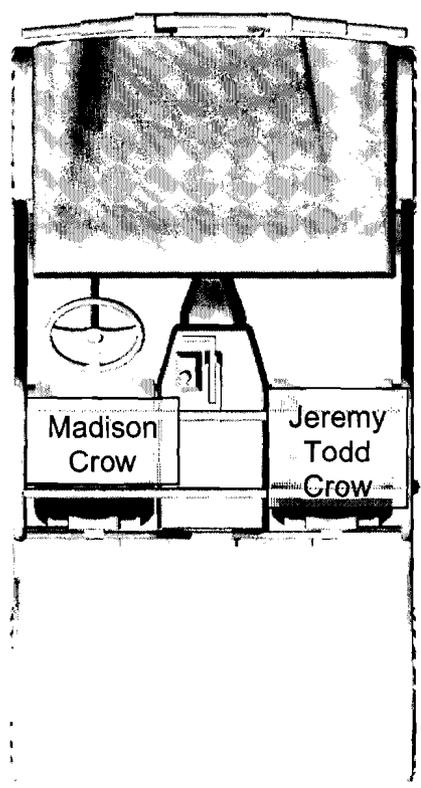
This accident occurred on June 22, 2007 in Newton County, Texas. Jeremy Todd (J.T.) Crow, Jr. was a passenger in a Yamaha Rhino 450 being driven by his sister Madison. At the time of the accident Madison was 12 years old. According to the reconstruction report by Scientific Analysis, Inc., the vehicle 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 Langlely (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-Rhinoe 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.

**YAMAHA MOTORCYCLE & BOOOTER SETUP AND PREDELIVERY CHECKLIST**

Model: R1150 450 6797196141007007 Date: 1/11/11

Checklist items include: FRONT FORK PINNACLE BOLTS, FRONT WHEEL AND AXLE, FRONT AXLE COTTER PIN, HANDLEBAR LOCKS, WIRING CONNECTORS, FRONT BRAKE CABLE, MASTER CYLINDER, BRAKE PADS AND ROTORS, INSTRUMENTS, MECHANICAL DRIVES, HYDRAULIC DISC BRAKES, COOLANT SYSTEM FLUID LEVEL, AIR FILTER, CLUTCH, THROTTLE OPERATION, MECHANICAL CLUTCH, HYDRAULIC CLUTCH, SHAFT DRIVE GEAR OIL LEVELS, DRIVE CHAIN DRIVE BELT, ELECTRICAL COMPONENTS, TAILLIGHT, BRAKE PEDAL, CONTROLS, KEYS, SPLIT NUTS AND BOLTS, OFF-ROAD USE PURPOSE, 2-STROKE ONLY, AUTOLUBE OIL, AIR FILTER, FUEL SYSTEM, FUEL PUMP, FUEL INJECTORS, FUEL INJECTION SYSTEM, FUEL INJECTION PUMP, FUEL INJECTION VALVE, FUEL INJECTION NOZZLES, FUEL INJECTION RAILS, FUEL INJECTION MANIFOLD, FUEL INJECTION PUMP, FUEL INJECTION VALVE, FUEL INJECTION NOZZLES, FUEL INJECTION RAILS, FUEL INJECTION MANIFOLD.

Set tire pressures with tires cold. Set tire pressures to the recommended values.

Recommended Pressure	Minimum Pressure	Maximum Pressure
70 kPa (10 psi)	68 kPa (9.9 psi)	72 kPa (10.4 psi)
98 kPa (14 psi)	96 kPa (13.8 psi)	100 kPa (14.5 psi)

**WARNING**

IMPROPER TIRE PRESSURE OR OVERLOADING CAN CAUSE LOSS OF CONTROL. LOSS OF CONTROL CAN RESULT IN SEVERE INJURY OR DEATH.

OPERATING TIRE PRESSURE: Set with tires cold.  
 RECOMMENDED: FRONT: 70kPa (70kgf/cm), 10psi  
 REAR: 98kPa (98kgf/cm), 14psi  
 MINIMUM: FRONT: 68kPa (68kgf/cm), 9psi  
 REAR: 91kPa (91kgf/cm), 13psi

Never set tire pressure below minimum. Tire may dislodge from rim.  
 Gross Vehicle Weight Rating: 907 kg (2000lb)  
 Maximum Tire Load: 100kg (220lb)

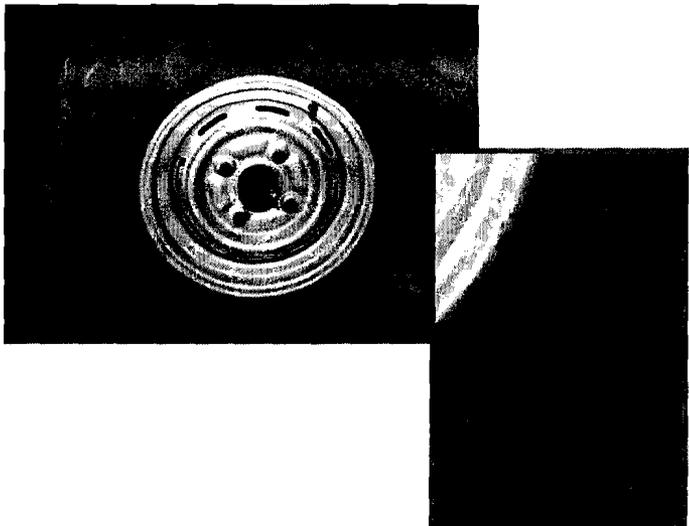
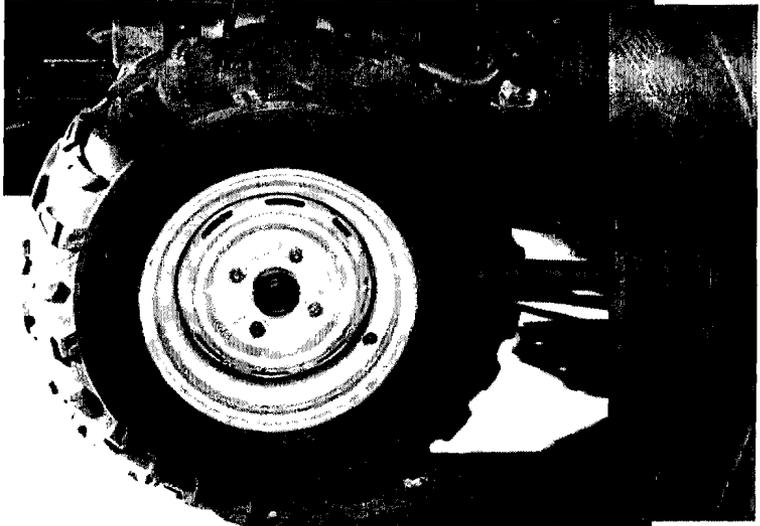
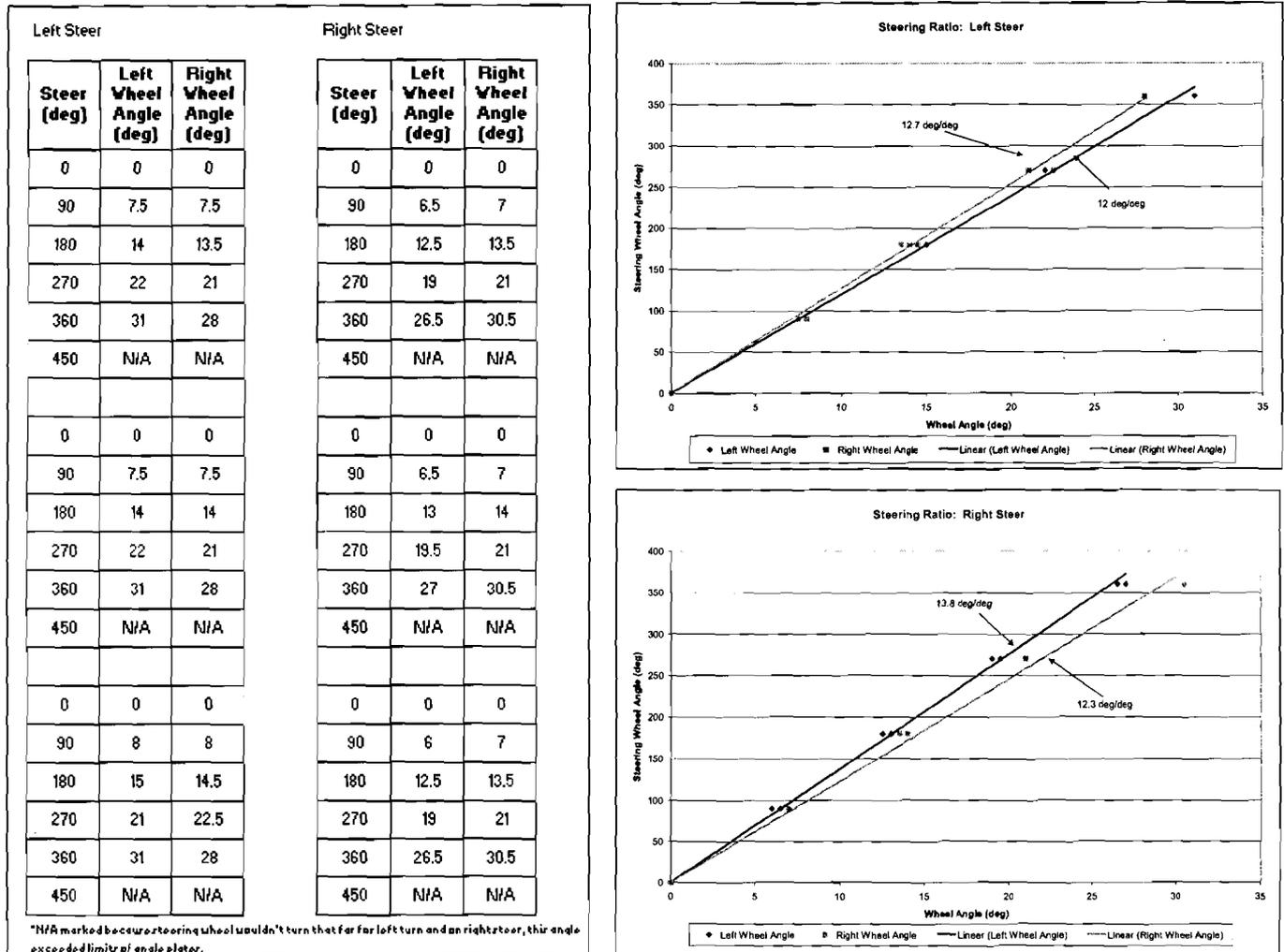


Figure 2: Tire Pressure Recommendations, Left Rear Tire (left) and Left Front Tire (right)

**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 10<sup>th</sup> to check for consistency. The table below and the plots indicate the results of the March 10<sup>th</sup> testing.



**Figure 3: Steering Ratio Data**

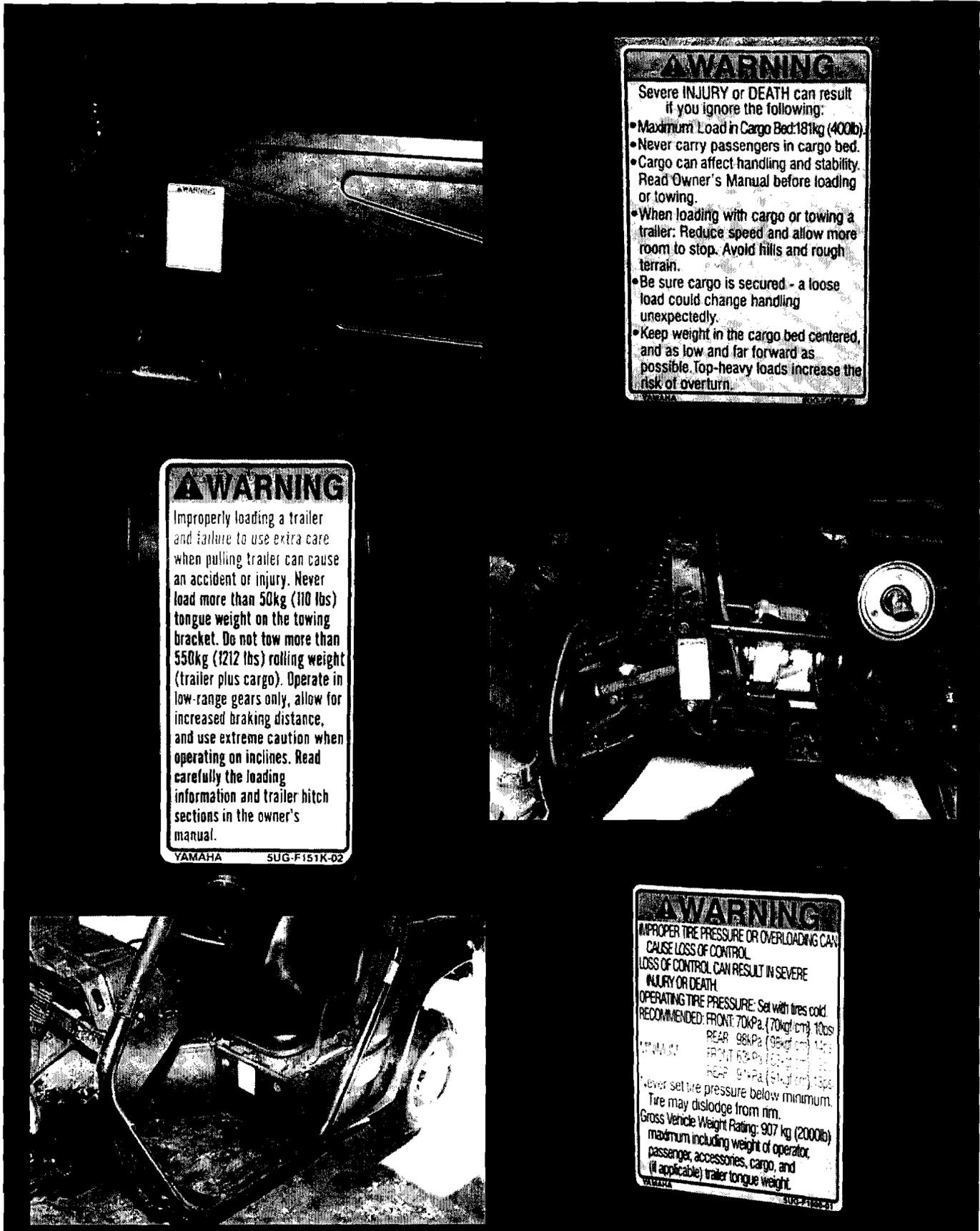
**INTERIOR OBSERVATIONS:** The interior of this vehicle consists of two bucket seats separated by a central console. The parking brake and gear selector are located on the central console. The gear selector allows selection between reverse, neutral, high, and low. The occupant capsule is surrounded by an unupadded 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.





**WARNING**

Severe INJURY or DEATH can result if you ignore the following:

- Maximum Load in Cargo Bed: 181kg (400lb).
- Never carry passengers in cargo bed.
- Cargo can affect handling and stability. Read Owner's Manual before loading or towing.
- When loading with cargo or towing a trailer: Reduce speed and allow more room to stop. Avoid hills and rough terrain.
- Be sure cargo is secured - a loose load could change handling unexpectedly.
- Keep weight in the cargo bed centered, and as low and far forward as possible. Top-heavy loads increase the risk of overturn.

**WARNING**

Improperly loading a trailer and failure to use extra care when pulling trailer can cause an accident or injury. Never load more than 50kg (110 lbs) tongue weight on the towing bracket. Do not tow more than 550kg (1212 lbs) rolling weight (trailer plus cargo). Operate in low-range gears only, allow for increased braking distance, and use extreme caution when operating on inclines. Read carefully the loading information and trailer hitch sections in the owner's manual.

YAMAHA      SUG-F151K-02

**WARNING**

IMPROPER TIRE PRESSURE OR OVERLOADING CAN CAUSE LOSS OF CONTROL. LOSS OF CONTROL CAN RESULT IN SEVERE INJURY OR DEATH.

OPERATING TIRE PRESSURE: Set with tires cold.

RECOMMENDED: FRONT: 70kPa (70kgf/cm<sup>2</sup>) 100psi  
 REAR: 98kPa (98kgf/cm<sup>2</sup>) 140psi

ADJUST: FRONT: 68kPa (68kgf/cm<sup>2</sup>) 100psi  
 REAR: 94kPa (94kgf/cm<sup>2</sup>) 135psi

Never set tire pressure below minimum. Tire may dislodge from rim.

Gross Vehicle Weight Rating: 907 kg (2000lb) maximum including weight of operator, passenger, accessories, cargo, and (if applicable) trailer tongue weight.

YAMAHA      SUG-F151K-02

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 2<sup>nd</sup> lowest setting (2<sup>nd</sup> 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 2<sup>nd</sup> 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 4<sup>th</sup>, 15<sup>th</sup>, and 18<sup>th</sup>, 2008. On the 4<sup>th</sup>, the analysis was simply a quick visual inspection and review of photographs. On the 15<sup>th</sup>, the vehicle was prepped for a more detailed luminescence inspection. The vehicle was moved into a dark room for this inspection. On the 18<sup>th</sup>, 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.*"

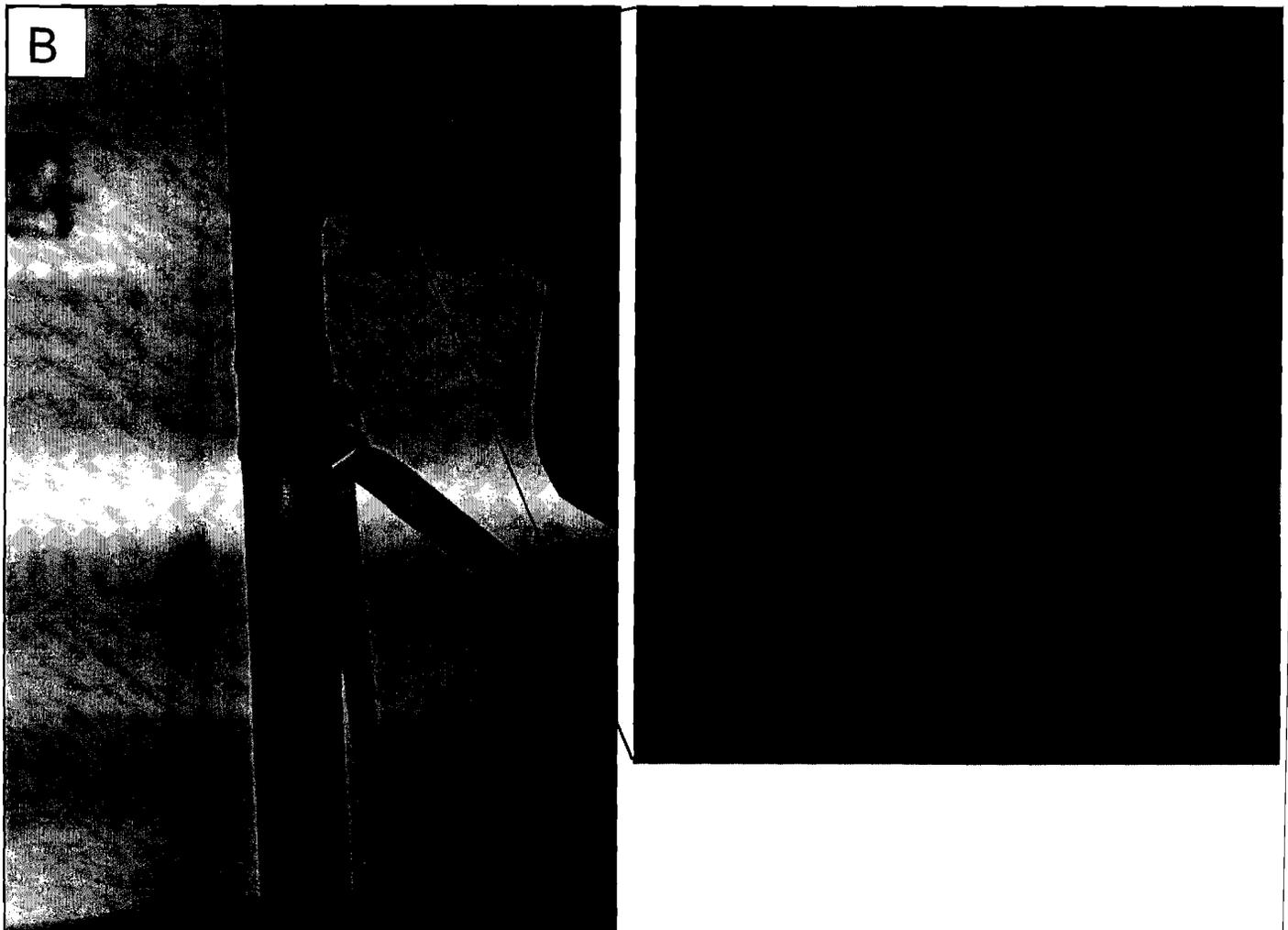
**Chemicals:** Bluestar Forensic. The solution can be an irritant, but it is non-toxic. The solution is made by mixing two tablets (one white, one beige) in a spray bottle containing approximately 125 ml of distilled water. Once the tablets have dissolved, the solution is ready for dispersion.

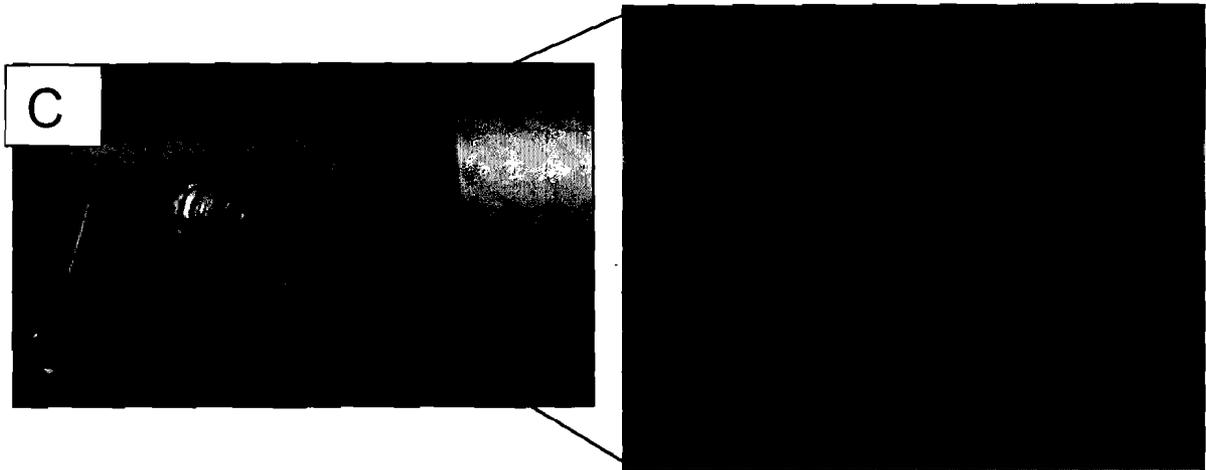
**Procedure / Protocol:** The subject Rhino vehicle was placed in a dark room. A Nikon D200 digital camera was set up on a tripod approximately 5 feet from the vehicle. A photograph of the vehicle was taken with the lights on for reference. The lights were doused, and the suspect areas of the subject 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.

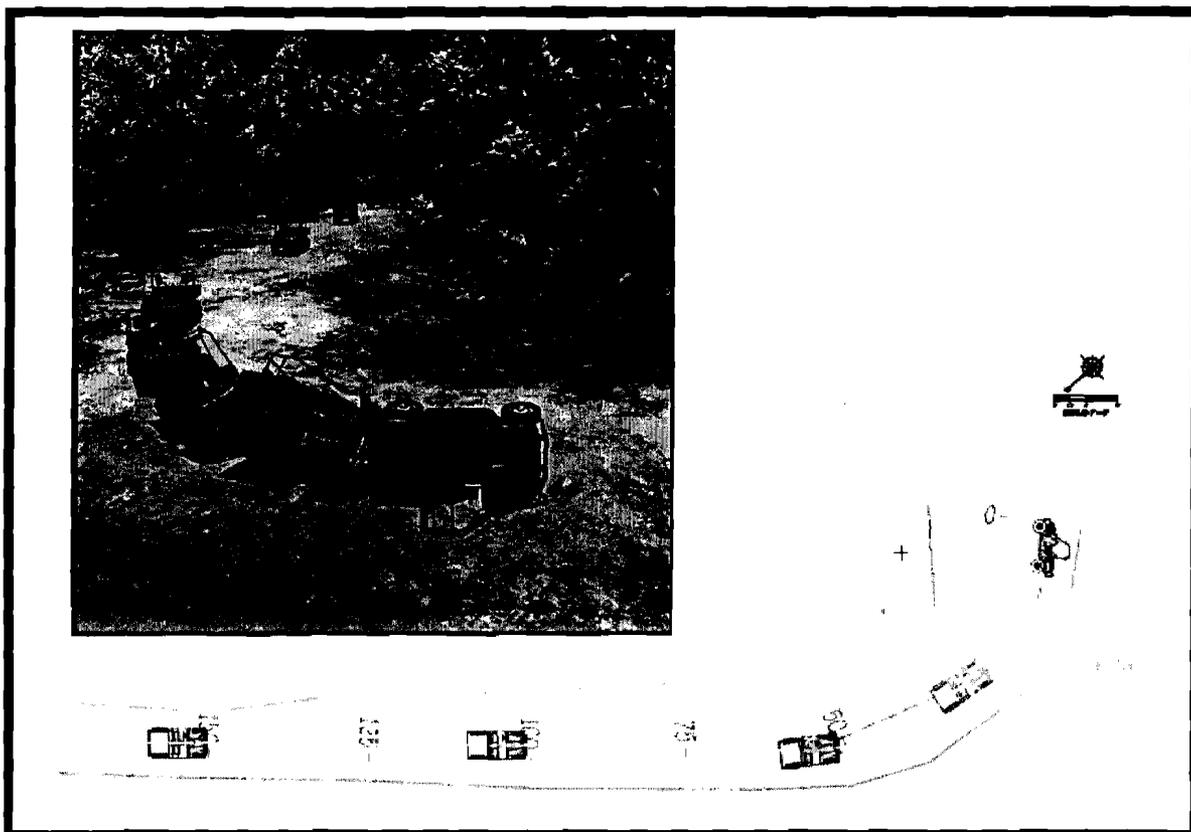
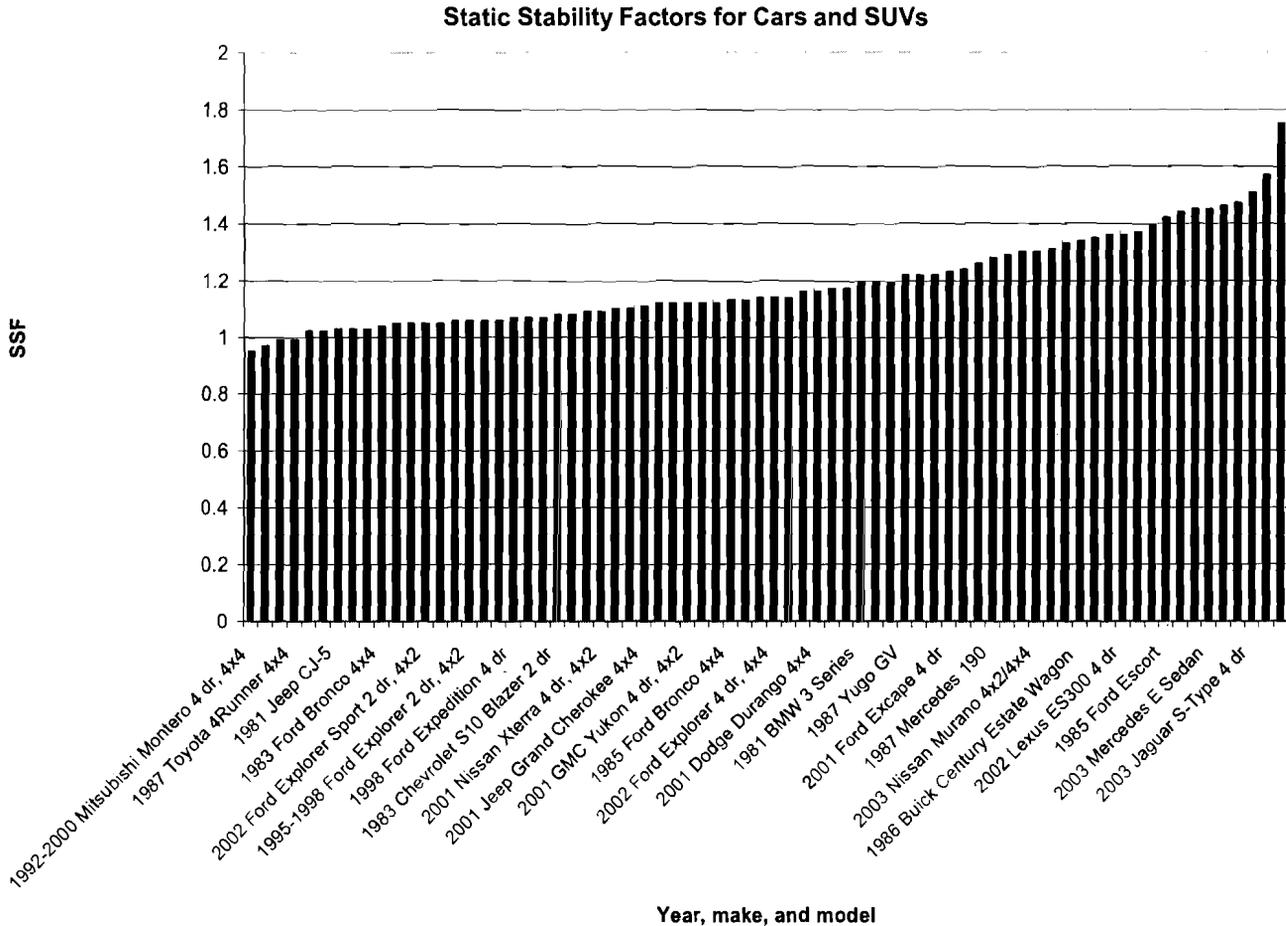


Figure 7: Reconstruction Diagram  
and Image

# 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 Overturn 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  $SSF = t/(2 \cdot H)$ , 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  $t/2$  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 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.

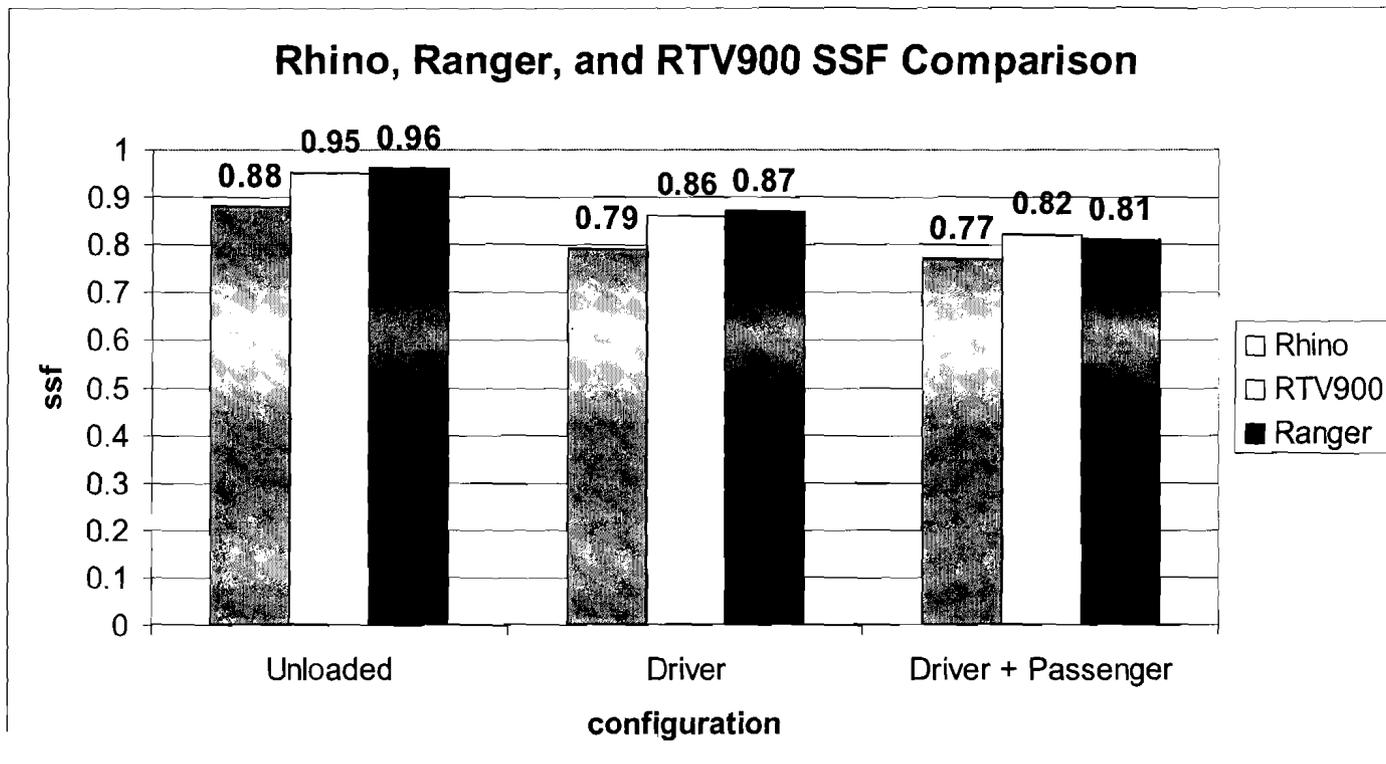
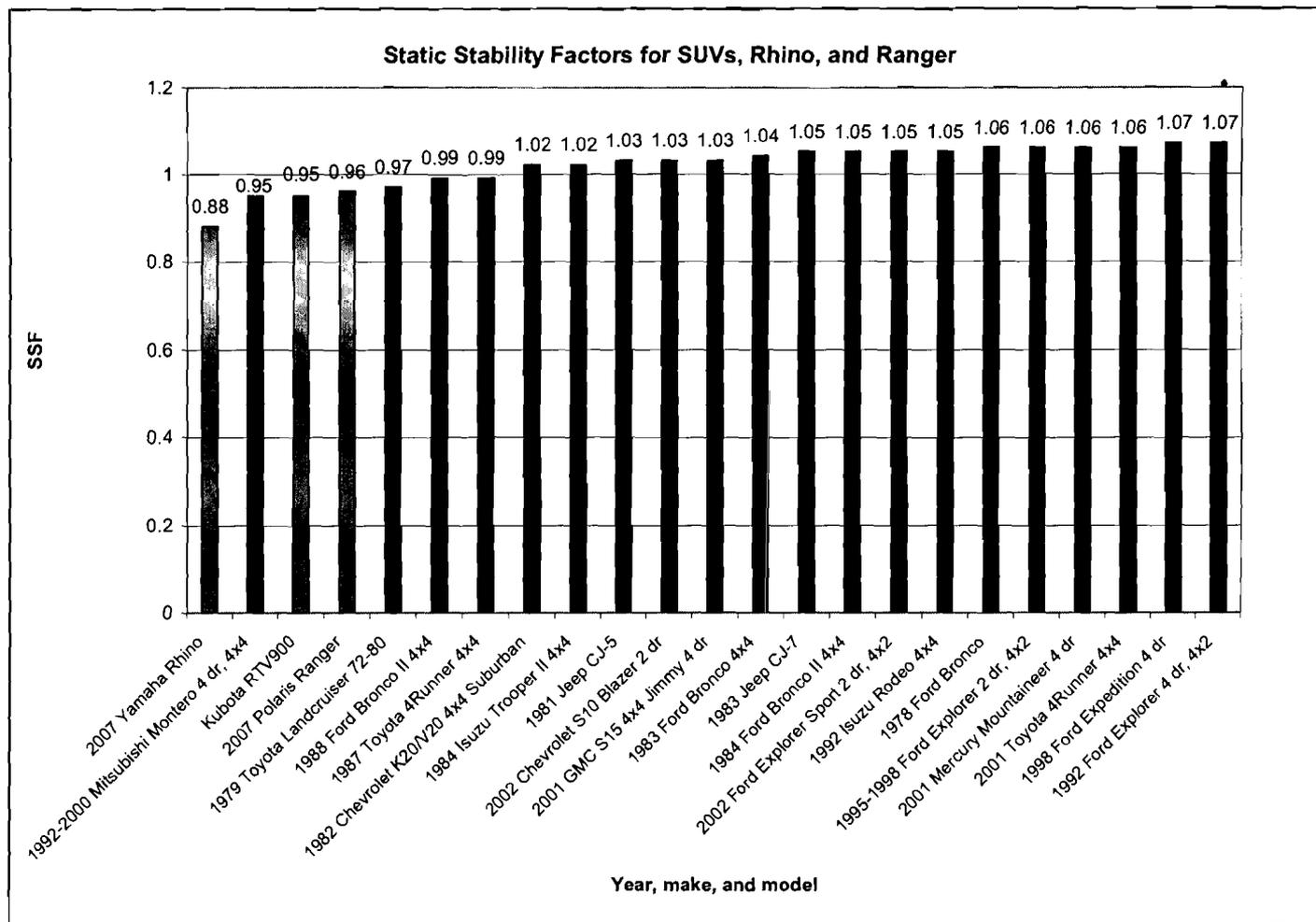


Figure 12: Comparison of Yamaha Rhino, Polaris Ranger, and Kubota RTV900 SSFs for Various Loading Configurations

**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.



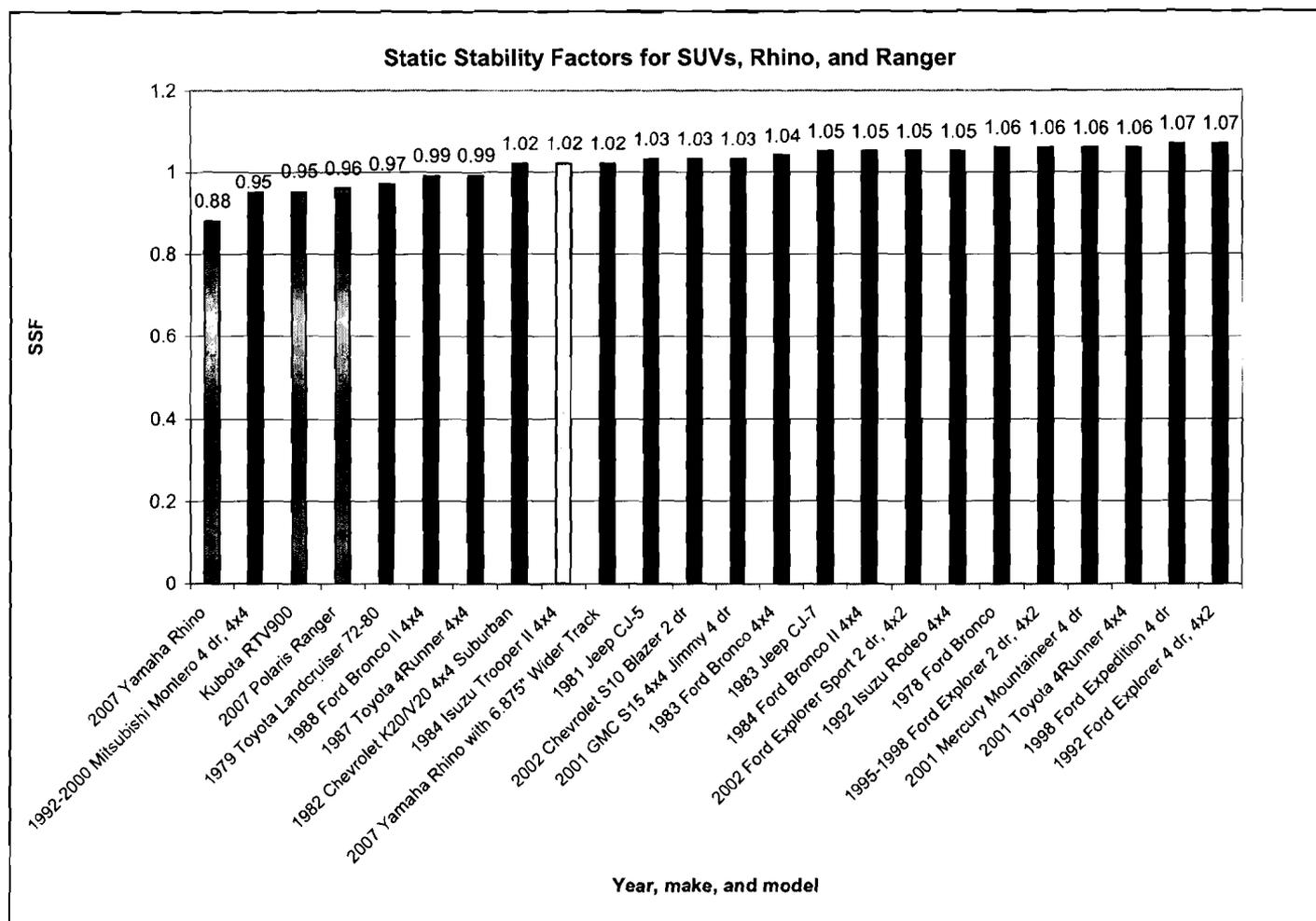
**Figure 13: SSF of Rhino, Ranger, and RTV900 Plotted with SSFs of SUVs**

**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 unpadding 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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Captain Tom Harvey

TPWD-Jasper/Newton  
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Rusk, Texas 75785  
903-683-2511

Newton County Sheriff Office- Constables  
110 E Court House St.  
Newton, Texas 75960  
409-379-8555

Jasper County Sheriff Office  
101 Burch  
Jasper, Texas 75951  
409-384-5417

Beaty Funeral Home  
816 Broadway  
Winnsboro, Texas 75494  
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

080331

1. Task Number 071120HCC3182		2. Investigator's ID 9091		EPIDEMIOLOGIC INVESTIGATION REPORT
3. Office Code 840	4. Date of Accident YR MO DAY 2006 06 23	5. Date Initiated YR MO DAY 2007 12 02		
6. Synopsis of Accident or Complaint UPC A 66-year-old, male victim was fatally injured when his four-wheel, utility vehicle rolled down a hill after attempting to dump a load of rocks. The victim's wife was summoned by their 12-year-old grandson who witnessed the incident. Emergency personnel found him bleeding and unconscious upon arrival. The victim sustained multiple rib fractures and two fractures of the thoracic spinal column. He was pronounced dead at the scene. The victim was not wearing a helmet.  MFR/PRVLAB 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> ; 3, 6 <input checked="" type="checkbox"/> DO NOT RE-NOTIFY <input type="checkbox"/> RE-NOTIFY D 80331				
7. Location (Home, School, etc) 1 - HOME		8. City LOVELAND		9. State CO
10A. First Product 5044 - Utility Vehicles		10B. Trade/Brand Name YAMAHA CHAPPY		10C. Model Number 4YMXB660GCA
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 66	13. Sex 1 - Male	14. Disposition 8 - Death	15. Injury Diagnosis 62 - Intern. Org. Inj.	
16. Body Part(s) Involved 79 - LOWER TRUNK	17. Respondent 3 - 2nd Hand Info Only	18. Type of Investigation 2 - Telephone	19. Time Spent (Operational / Travel) 9 / 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 02/08/2008	25. Reviewed By 8929		26. Regional Office Director Frank J. Nava	
27. Distribution Streeter, Robin			28. Source Document Number 0608014942	

**SUMMARY OF FINDINGS**

According to official reports, the only witness to the incident was the victims' grandson.

In the Sheriff's report, the grandson (12 y/o), stated that he and the victim (66 y/o male) were removing large rocks from the driveway to make it smoother. The time was around 4 pm. They were loading the rocks into the back of the victim's 2004 2-seat Yamaha utility vehicle and hauling them to the north side of their garage where he was dumping them over a hill. (The Sheriff's Department report refers to the vehicle as an ATV/ATV mule.)

The grandson stated that the victim had a load of rocks in the bed of the utility vehicle and that they were mainly on the right side; the load was not equal. When the victim backed up to unload the rocks he backed up too far and the right tire fell off the incline edge. The victim then attempted to go forward making a hard turn to the right to pull the vehicle out. When the victim accelerated the vehicle started to roll down the embankment with the victim in it. The grandson ran down the embankment to check on the victim and he said the victim told him he was OK and to go get his grandmother. The grandmother arrived and said the victim was bleeding from his arm. The grandmother stated that the victim was talking to her and stated that he was OK and did not want her to call 911. The grandmother went to the house and called 911 anyway (the time was 4:45 pm).

When emergency officials arrived they found the victim bleeding and unconscious with shallow breathing. The victim then stopped breathing and CPR attempts were made. Injuries found on the victim included abrasion to the back of his head and a large abrasion on his right shoulder. The victim was not wearing a helmet. Air Life was called to the scene but was canceled after paramedics declared the victim dead at the scene.

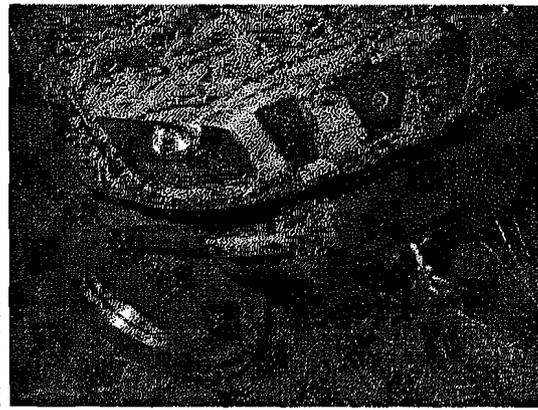
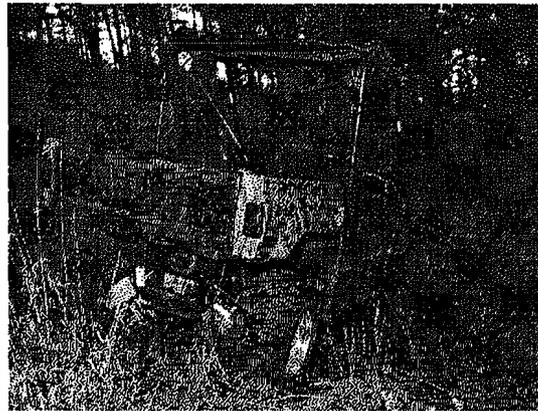
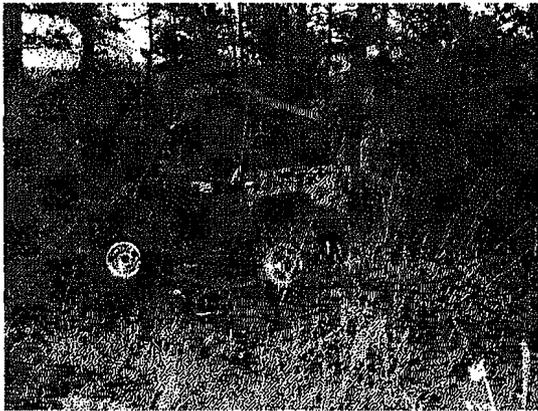
According to the coroners report, the victim died due to thoracic blunt force injuries received during the accident. The victim suffered multiple rib fractures and two fractures of the thoracic spinal column (broken back).

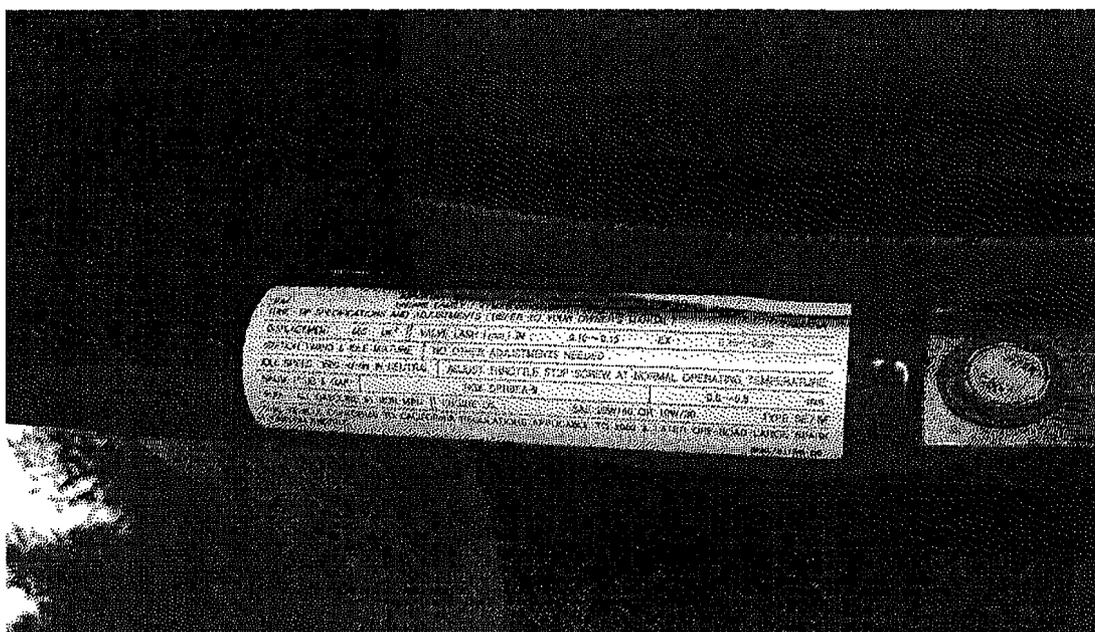
**PRODUCT IDENTIFICATION**

2004 Yamaha/Chappy utility vehicle – camouflage in color

4X4

VIN: (b)(3) CPSA Section  
25(c), (b)(6)





**IDI 071120HCC3182**

**Page 4 of 4**

**SAMPLES COLLECTED**

None

**ATTACHMENTS**

- 1) Respondents
- 2) Larimore County Sheriff's Department Report
- 3) Larimore County Coroner Report

**IDI 071120HCC3182**

**Exhibit 1**

**RESPONDENTS**

Larimore County Sheriff's Department  
2501 Midpoint Dr.  
Fort Collins, CO 80525  
970-498-5100

Larimore County Coroner/Medical Examiner  
495 North Denver Ave.  
Loveland, CO 80537  
970-679-4517

# Incident Report

## LARIMER COUNTY SHERIFFS OFFICE

06-4187



2501 MIDPOINT DR  
FORT COLLINS, CO 80525

970-498-5100

970-498-9203

Reported Date  
06/23/2006

<DNC> UNATTENDED DEATH  
Officer  
HEFFERNAN, ROBERT

### Administrative Information

Agency LARIMER COUNTY SHERIFFS OFFICE	Case No 06-4187	Supplement No ORIG	Reported Date 06/23/2006	Reported Time 19:19
Incident No 061740484	Dispo REPORT TO FOLLOW	Nature of Call <DNC> UNATTENDED DEATH		
Location (b)(6)	City	Reg Dist	QArea LC	Area A4
From Date 06/23/2006	From Time 19:19	Officer L99001/HEFFERNAN, ROBERT		
Assignment LCSO PATROL - RED SWINGS	Entered by L95006	RMS Transfer Successful	Property None	Approving Officer L80014
Approval Date 07/02/2006	Approval Time 20:00:03			
Release Status UNDRINVEST				

### Person Summary

Invl	Invl No	Type	Name	MNI	Race	Sex	DOB
DEC	1	I	(b)(3)-CPSA Section 25(c),(b)(6)	1093597	W	M	(b)(3)-CPSA Section
WIT	1	I	(b)(6)	72660	W	F	(b)(6)
WIT	2	I	(b)(6)	1093600	W	M	(b)(6)
WIT	3	I	(b)(6)	1094784	W	M	(b)(6)
WIT	4	I	;DR DIXON				

### Vehicle Summary

Invl	Type	License No	State	Lic Year	Year	Make	Model	Style	Color
VIC	9		CO		2004	YAMA			CAM

### Summary Narrative

aln/062606

Case Status: Inactive

I responded to the above address on the report of an ATV accident in which a 66 YOA male was deceased apparently as a result of injuries he had received in the accident.

**Incident Report**  
**LARIMER COUNTY SHERIFFS OFFICE**

**06-4187**

**DECEASED (NOT REPORTED AS A VICTIM) 1: FOX, JAMES ROBERT**

Involvement <b>DECEASED (NOT REPORTED AS A VICTIM)</b>		Invl No. <b>1</b>	Type <b>*INDIVIDUAL</b>		Name <b>(b)(3) CPSA Section 25(c),(b)(6)</b>
MNI <b>(b)(3) CPSA Section 25(c),(b)(6)</b>	Race <b>WHITE</b>	Sex <b>MALE</b>	DOB <b>(b)(3) CPSA Section</b>	Age <b>66</b>	
Ethnicity <b>NOT OF HISPANIC ORIGIN</b>		Juvenile? <b>No</b>	Res Status <b>RESIDENT</b>		
Type <b>HOME</b>	Address <b>(b)(6)</b>				City State
Phone Type <b>HOME</b>	Phone No. <b>(b)(6)</b>				

**WITNESS (SUBJECT TYPE) 1: BIDDLE, VICKI DIANE**

Involvement <b>WITNESS (SUBJECT TYPE)</b>		Invl No. <b>1</b>	Type <b>*INDIVIDUAL</b>		Name <b>(b)(6)</b>
MNI <b>72660</b>	Race <b>WHITE</b>	Sex <b>FEMALE</b>	DOB <b>(b)(6)</b>	Age <b>54</b>	Ethnicity <b>NOT OF HISPANIC ORIGIN</b>
Hair Color <b>BROWN</b>		Eye Color <b>BROWN</b>	Res Status <b>RESIDENT</b>		
Type <b>HOME</b>	Address <b>(b)(6)</b>				City State
Phone Type <b>HOME</b>	Phone No. <b>(b)(6)</b>				

**WITNESS (SUBJECT TYPE) 2: OSTEN, TREVOR WAYNE**

Involvement <b>WITNESS (SUBJECT TYPE)</b>		Invl No. <b>2</b>	Type <b>*INDIVIDUAL</b>		Name <b>(b)(6)</b>
MNI <b>1093600</b>	Race <b>WHITE</b>	Sex <b>MALE</b>	DOB <b>(b)(6)</b>	Age <b>12</b>	Ethnicity <b>NOT OF HISPANIC ORIGIN</b>
Hair Color <b>BROWN</b>		Eye Color <b>BROWN</b>	Res Status <b>NON-RESIDENT</b>		
Type <b>HOME</b>	Address <b>(b)(6)</b>				City State
ZIP Code <b>76048</b>					
Phone Type <b>HOME</b>	Phone No. <b>(b)(6)</b>				

**WITNESS (SUBJECT TYPE) 3: FOREMAN, STEVE**

Involvement <b>WITNESS (SUBJECT TYPE)</b>		Invl No. <b>3</b>	Type <b>*INDIVIDUAL</b>		Name <b>(b)(6)</b>
MNI <b>1094784</b>	Race <b>WHITE</b>	Sex <b>MALE</b>			
Employer/School <b>THOMPSON VALLEY PARAMEDIC</b>		Position/Grade <b>#73</b>			

**WITNESS (SUBJECT TYPE) 4: DR DIXON**

Involvement <b>WITNESS (SUBJECT TYPE)</b>		Invl No. <b>4</b>	Type <b>*INDIVIDUAL</b>		Name <b>(b)(6)</b>
Employer/School <b>MCKEE MEDICAL CENTER</b>		Position/Grade <b>DOCTOR</b>			

**Vehicle**

Involvement <b>VICTIM VEHICLE</b>	Type <b>OTHER</b>	State <b>COLORADO</b>	Year <b>2004</b>	Make <b>YAMAHA/CHAPPY</b>	Color <b>CAMOUFLAGE</b>
VIN <b>4YMXB660GCA</b>					

**Narrative**

- Case Outline
- Report Origin
- Initial Information
- Arrival on Scene
- Victim Pronounced Deceased
- Family Notified
- Investigations and Coroner Notified
- Evidence Gathered

# Incident Report

## LARIMER COUNTY SHERIFFS OFFICE

06-4187

### **Narrative**

Witness Interviewed  
Disposition of the Deceased  
Case Status  
Attachments

#### Report Origin

Radio Dispatched

#### Initial Information

On 062306, at approximately 1919 hours, while working another case, I heard a couple of Parks Units dispatched to (b)(6) in Loveland, Colorado on a report of an ATV accident, in which a 66 YOA man was injured, however; once they arrived on scene, I learned that they had started CPR on this individual and therefore I diverted from the case I was on, to assist.

#### Arrival on Scene

At approximately 1946 hours, I arrived on scene and I immediately observed two Parks Units and one civilian performing CPR on this individual. I observed this individual was on the side of a hill, approximately 45 feet down from the top. I also observed another 30 feet down the hill was a work type ATV (Yamaha Mule) that was resting on all four tires, however; it appeared it had been in an accident. I immediately proceeded to assist the Parks Units with CPR by taking over the breathing for the victim by use of an Ambu Bag. I observed that the victim had a puncture wound to his right shoulder area and his right shoulder showed some disfigurement. I also observed that there was a laceration on the left side of the victim's head. While I did breaths on the victim, Parks Officer, (b)(6) did compressions. CPR continued on the victim for approximately 35 minutes until paramedics arrived on scene from Thompson Valley.

#### Victim Pronounced Deceased

At 2002 hours, (b)(6) medic # 73 from Thompson Valley Paramedics, under the advisement of Dr. (b)(6) and McKee Medical Center pronounced the victim deceased.

#### Family Notified

While I remained with the victim to process Evidence, the Parks Units, accompanied by Corporal REIFSCHNEIDER, who had arrived on scene, made notification to the family. The Victims Advocates were requested and they arrived a short while later to assist the family.

#### Investigations and Coroner Notified

I requested Dispatch contact the Medical Examiner, as well as the on call Investigator and had them proceed to the scene. Both arrived a short while later.

#### Evidence Gathered

I took photographs of the entire scene, including the victim as well as the apparent path the ATV had taken as it rolled down the hillside. I also took photographs of the ATV itself. I took rough measurements and it appeared that the ATV initially fell off from level ground at approximately 50 feet above where the victim landed. It also appeared that the ATV continued for another 35 feet until coming to rest on all four tires with very minimal damage. There were several areas of scuff marks in the dirt where the ATV had rolled. There was also a significant amount of rocks, that I later learned, were in the back of the ATV when it rolled.

#### Witness Interviewed

Report Officer  
L99001/HEFFERNAN, ROBERT

Printed At  
01/31/2008 11:00

Page 3 of 4

# Incident Report

## LARIMER COUNTY SHERIFFS OFFICE

06-4187

### Narrative

Corporal REIFSCHNIEDER made contact with the grandson, who was an eye witness to this entire episode. They passed onto me that the grandson stated that he and his grandfather were moving some rocks up on the level ground to place around the driveway when the grandfather had backed up with the ATV loaded with rocks and had backed up too far, causing the right rear tire of the ATV to fall off onto the incline. The grandfather then attempted to make a hard turn to the right and pull out from this predicament and in doing so, the ATV started to roll with the grandfather on it. The ATV came to rest as previously noted, with the grandfather coming to rest as well. The grandfather was conscious and alert at this point, and told his grandson he was ok, but to go get his grandmother. The grandson went and got the grandmother and she came out. The grandfather had told both of them not to call 911, that he was ok. A short while later, he collapsed. At which point, they called 911. I also learned from the Parks Units that when they arrived on scene, the victim in this case, the grandfather, was unconscious but was breathing slightly. Shortly after their arrival, he stopped breathing and they immediately proceeded with CPR, up to the point when I arrived. We continued CPR until the paramedics arrived. Corporal REIFSCHNEIDER conducted the interviews with the family and the grandson. See his Supplemental Report for more detail. Officer SWENSON completed a Supplemental Report. See that as well. The other Parks Unit, being an Unsworn Parks Unit will be submitting a written statement to be included in this report.

### Disposition of the Deceased

Once the Medical Examiner and Investigator had arrived on scene, they were briefed on the entire situation. The Medical Examiner took additional photos and then the deceased was transported via the Medical Examiner from the scene.

### Case Status

Inactive

### Attachments

None

END OF REPORT

# Incident Report LARIMER COUNTY SHERIFFS OFFICE

06-4187



2501 MIDPOINT DR  
FORT COLLINS, CO 80525  
970-498-5100  
970-498-9203

Reported Date  
06/26/2006  
<DNC> UNATTENDED DEATH  
Officer  
SWENSON, JUDY

Administrative Information							
Agency	LARIMER COUNTY SHERIFFS OFFICE		Case No	06-4187	Supplement No	0001	
Incident No	061740484	Dispo	REPORT TO FOLLOW	Nature of Call	<DNC> UNATTENDED DEATH		
Location	13637 W CR18E		City	LC LOVELAND	Rep Dist	I73200	
Area	LC	Area	A4	From Date	06/23/2006	From Time	19:19
Officer	L21001/SWENSON, JUDY		Assignment	LC SO LARIMER COUNTY PARKS	Enlisted by	L06001	
Assignment	CHANGE ASSIGNMENT		RMS Transfer	Successful	Property	None	
Approving Officer	L51013	Approval Date	07/07/2006	Approval Time	22:38:30		
Release Status	UNDRINVEST						

## Summary Narrative

aln/062606  
Case Status: Inactive

I responded to a Medical reported as a rollover ATV accident with a victim who was bleeding badly. I was met by an informant on West County Road 18E and led to the area where the accident had occurred. I responded with a medical kit and found a 66 YOA white male, unresponsive and ashen in color. I started CPR within several minutes and continued until a medical unit arrived. No vital signs could be detected and medical unit pronounced

## Narrative

Case Outline  
Report Origin  
Narrative  
Case Status:

### Report Origin

Radio Dispatched

### Narrative

On 062306, at 1919 hours, I heard a Medical call aired regarding a Motor Vehicle Accident in the (b)(6) (b)(6). The information came in as an ATV had rolled on a victim and the victim was bleeding heavily. I was in the area of 18E and South County Road 31, and advised Dispatch I would respond until Medical arrived on scene. A short distance behind me was Larimer County Parks Ranger, (b)(6). I requested that he respond with me. In approximately the 12000 block of County Road 18E, I was met by a male subject in a small white vehicle who waved me down. I asked him if he was connected to the Medical I was responding to, he said he was and that I would probably need to follow him to get to the residence, as it was extremely hard to find. I radioed the information to Ranger (b)(6) and advised him to follow me to the residence. I followed the informant and arrived on scene at 1929 hours. I grabbed a medical kit from my patrol vehicle and followed the informant to an area where I observed several people standing and a male subject laying on the ground. The male subject's skin tone was ashen in color. It did not appear that the subject was breathing.

# Incident Report LARIMER COUNTY SHERIFFS OFFICE

06-4187

## Narrative

I began a medical assessment to check for a pulse and breathing; could not find any pulse at all. A female subject who was identified to me later as the victim's wife (b)(6) was kneeling next to him, and told me that he had been breathing just moments before I arrived. I did a quick assessment on the victim's torso, located a large abrasion on his right shoulder and noted that there appeared to be an abrasion to the back of his head, as there was a small blood pool. I began CPR and within approximately five minutes, I was joined by Parks Ranger (b)(6), who is EMT certified. Ranger (b)(6) inserted an airway with the assistance of one of the neighbors. We began Ambu bagging oxygen to the victim and I continued compressions until the ambulance arrived on scene, which was after 2000 hours. The ambulance crew and EMT did check for vitals when they established that the victim had no vital signs at all. They pronounced him expired.

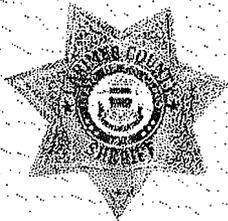
## Case Status

Inactive

END OF SUPPLEMENT

# Incident Report LARIMER COUNTY SHERIFFS OFFICE

## 06-4187



2501 MIDPOINT DR  
FORT COLLINS, CO 80525

970-498-5100

970-498-9203

Reported Date  
06/26/2006

<DNC> UNATTENDED DEATH  
Officer  
REIFSCHNEIDER, ERIK

### Administrative Information

Agency <b>LARIMER COUNTY SHERIFFS OFFICE</b>		Case No <b>06-4187</b>	Supplement No <b>0002</b>	Reported Date <b>06/26/2006</b>	Reported Time <b>16:45</b>
Incident No <b>061740484</b>	Dispo <b>REPORT TO FOLLOW</b>	Nature of Call <b>&lt;DNC&gt; UNATTENDED DEATH</b>			
Location <b>13637 W CR18E</b>			City <b>LC LOVELAND</b>	Rep Dist <b>I73200</b>	DArea <b>LC</b>
Area <b>A4</b>	From Date <b>06/23/2006</b>	From Time <b>19:19</b>	Officer <b>L95023/REIFSCHNEIDER, ERIK</b>		
Assignment <b>LCSO PATROL - RED SWINGS</b>	Entered by <b>L06001</b>	Assignment <b>CHANGE ASSIGNMENT</b>	RMS Transfer <b>Successful</b>	Property? <b>None</b>	
Approving Officer <b>L80014</b>	Approval Date <b>07/02/2006</b>	Approval Time <b>20:05:55</b>			
Reference Status <b>UNDRINVEST</b>					

### Summary Narrative

aln/062606

Case Status: Inactive

I assisted Deputy HEFFERNAN on a fatal Motor Vehicle Accident at (b)(6) by interviewing (b)(6)

### Narrative

- Case Outline
- Report Origin
- Background Information
- Landing Zone Established
- Arrival on Scene
- Contact with Family Members
- Conversation with TREVOR O'STEEN
- Conversation with VICKI
- Victims Advocates Introduced
- Case Status
- Attachments

#### Report Origin

Radio Dispatched

#### Background Information

On 062306, I overheard on Loveland Fire channel that they were responding to a Motor Vehicle Accident near Pinewood Reservoir in the Carter Lake area. Information was received that a 66 YOA male had fallen off of an ATV and was injured.

Park Ranger (b)(6) went en route and arrived on scene several minutes later. Update was given that the subject was bleeding severely and had lost consciousness. While I was still en route to the call, information was aired that CPR was in progress.

I advised Dispatch that I would continue en route to the scene of the accident.

Report Officer <b>L95023/REIFSCHNEIDER, ERIK</b>	Printed At <b>01/31/2008 11:02</b>	Page 1 of 3
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# Incident Report

## LARIMER COUNTY SHERIFFS OFFICE

06-4187

### Narrative

While I continued en route, Loveland Fire advised that they needed to clear Engine Three to respond to the scene and assist with CPR. Engine Three was originally designated as Ground Contact for Air Life 911.

Communications asked if I could now be the ground contact for Air Life 911.

#### Landing Zone Established

I advised Larimer County Communications that I would go direct with Air Life 911 on Fire Net. I said that I would be en route to the Pinewood area to look for a landing zone for the chopper.

I arrived on scene at Pinewood Reservoir and had a difficult time locating any flat level terrain for the helicopter to land on. There were also numerous power lines. I was unable to reach Air Life 911 on Fire Net and was later advised that they would be on Loveland Fire UHF channel. Information was relayed to Air Life 911 that we had multiple power lines and they advised that they could see that from the air. Shortly after a landing zone was picked out, it was overheard that paramedics on scene were calling the CPR and pronounced the subject dead. Air Life 911 was then cleared to return to quarters.

#### Arrival on Scene

I arrived on scene and met with Deputy HEFFERNAN. Deputy HEFFERNAN asked if I could go inside and speak with the family. He said that the grandson and common law wife were inside with Larimer County Parks Rangers and neighbors.

#### Contact with Family Members

I went inside the home and met with Larimer County Parks Employees. They introduced me to (b)(6) and (b)(6) is the common law wife of the deceased male and (b)(6) is the grandson. Both parties were seated in the living room on the couch and had several neighbors in the living room with them.

General information was received from (b)(6) that her common law husband, (b)(3) CPSA was out doing work on the four wheeler and it rolled over. She said that he went out and he was originally coherent, talking to her, and advised her that she should not call 911 and that he did not need an ambulance. (b)(6) said that she ran back inside, called 911, and went back out to be with her husband. She and neighbors attempted to control bleeding with towels and awaited the arrival of EMS. During this time, (b)(6) slipped into unconsciousness and CPR was started.

#### Conversation with (b)(6)

I asked (b)(6) if I could talk to her grandson in the basement and she said that would be fine. I took (b)(6) down to the basement and got his basic information. I also asked (b)(6) to tell me what had happened.

(b)(6) said that he and (b)(3) CPSA as he referred to (b)(3) CPSA were out working in the driveway, removing larger rocks so it would be smoother. He said that he and (b)(3) CPSA were putting rocks in the back of the ATV and then taking them around the north side of the garage and dumping them over the side of the hill. (b)(6) said that he was originally driving the ATV in the driveway, however (b)(3) CPSA would not allow him to back it up near the hill. (b)(6) said that once they had a load, (b)(3) CPSA backed the vehicle towards the edge of the hill, near the north side of the garage. (b)(6) said that the vehicle was loaded mostly on the right side and the load was not equal. (b)(6) said that (b)(3) CPSA continued to back up and about hit a tree. He said (b)(3) CPSA then continued to back and got too close to the edge and (b)(6) yelled at him. He said (b)(3) CPSA attempted to put the vehicle in a forward gear. He was successful and accelerated hard and turned sharp right. It was at this time the vehicle rolled over the edge of the hill and both (b)(3) CPSA and the ATV went over the edge and down the embankment. (b)(6) said he ran down to (b)(3) CPSA and checked on him and then immediately ran in and notified his grandmother (b)(6).

I walked back upstairs with (b)(6) and spoke to (b)(6)

#### Conversation with (b)(6)

Report Officer  
L95023/REIFSCHNEIDER, ERIK

Printed At  
01/31/2008 11:02

Page 2 of 3

06-4187

0002

# Incident Report LARIMER COUNTY SHERIFFS OFFICE

## Narrative

(b)(6) told me that (b)(6) had come inside and said that (b)(3)C had been hurt. She said that she went outside and found (b)(3)C lying on the hill and that he was bleeding from his arm. (b)(6) said that (b)(3)C was talking to her and said that he did not want an ambulance or for her to call 911. (b)(6) said that she ran back inside and made the call for help.

### Victims Advocates Introduced

Victims Advocates from Larimer County Sheriff's Office arrived on scene. I introduced both of the advocates to (b)(6) and their family. I told (b)(6) and (b)(6) that the advocates could help out in any way they needed and (b)(6) thanked me and said that she would talk to them. I informed (b)(6) that I would be leaving the scene and if they needed anything additional, they could contact us at the Larimer County Sheriff's Office.

### Case Status

Inactive

### Attachments

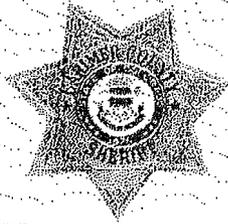
None

END OF SUPPLEMENT

# Incident Report

## LARIMER COUNTY SHERIFFS OFFICE

06-4187



2501 MIDPOINT DR  
FORT COLLINS, CO 80525

970-498-5100

970-498-9203

Reported Date  
06/29/2006

<DNC> UNATTENDED DEATH  
Officer  
FEYEN, JOHN

### Administrative Information

Agency <b>LARIMER COUNTY SHERIFFS OFFICE</b>		Case No. <b>06-4187</b>	Supplement No. <b>0003</b>	Reported Date <b>06/29/2006</b>	Reported Time <b>08:36</b>
Incident No. <b>061740484</b>	Dispo. <b>REPORT TO FOLLOW</b>	Nature of Call <b>&lt;DNC&gt; UNATTENDED DEATH</b>			
Location <b>(b)(6)</b>					DArea <b>LC</b>
From time <b>06/23/2006</b>	From time <b>19:19</b>	Officer <b>L00028/FEYEN, JOHN</b>			
Assignment <b>LC SO INVESTIGATIONS - PERSONS UNIT</b>		Entered by <b>L93002</b>	Assignment <b>LC SO TECHNICIAN - INVESTIGATIONS</b>		
RMS Transfer <b>Successful</b>	Approving Officer <b>L02023</b>	Approval Date <b>07/02/2006</b>	Approval Time <b>15:01:48</b>		
Release Status <b>UNDRINVEST</b>					

### Summary Narrative

ly/062906

Case Status - Active

As the on-call investigator, I responded to the scene of a fatal ATV accident. Nothing appeared suspicious. Case will be assigned to this investigator until the death certificate is obtained.

END OF SUPPLEMENTAL REPORT

Report Officer  
**L00028/FEYEN, JOHN**

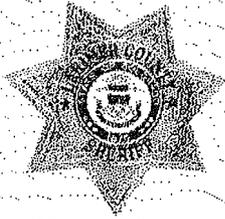
Printed At  
**01/31/2008 11:02**

Page 1 of 1

# Incident Report

## LARIMER COUNTY SHERIFFS OFFICE

**06-4187**



2501 MIDPOINT DR  
 FORT COLLINS, CO 80525

970-498-5100  
 970-498-9203

Reported Date  
 08/17/2006

<DNC> ACCIDENTAL DEATH  
 Officer  
 FEYEN, JOHN

### Administrative Information

Agency <b>LARIMER COUNTY SHERIFFS OFFICE</b>	Case No <b>06-4187</b>	Supplement No <b>0004</b>	Reported Date <b>08/17/2006</b>	Reported Time <b>10:55</b>
Incident No <b>061740484</b>	Dispo <b>SUPPLEMENTAL REPORT TO FOLLOW</b>	Nature of Call <b>&lt;DNC&gt; ACCIDENTAL DEATH</b>		
Location <b>(b)(6)</b>		City	Rep Dist	D Area <b>LC</b>
Area <b>A4</b>	From Date <b>06/23/2006</b>	From Time <b>19:19</b>	Officer <b>L00028/FEYEN, JOHN</b>	
Assignment <b>LC SO INVESTIGATIONS - PERSONS UNIT</b>	Entered by <b>L02024</b>	Assignment <b>LC SO TECHNICIAN - INVESTIGATIONS</b>		
RMS Transfer <b>Successful</b>	Property? <b>None</b>	Approving Officer <b>L02023</b>	Approval Date <b>08/23/2006</b>	Approval Time <b>10:52:50</b>
Release Status <b>RELEASABLE</b>				

### Summary Narrative

pd/081706

Case Status - INFORMATION REPORT

The Death Certificate for (b)(3) CPSA Section 25(c), (b)(6) was obtained. The manner of death was listed as "Accidental", due to thoracic blunt force injuries resulting from an all terrain vehicle mishap. I ran (b)(3) CPSA Section through NCIC/CCIC and he was clear. No further action by this officer.

#### Attachments

Copy of Death Certificate  
 NCIC printout

END OF SUPPLEMENTAL REPORT

VOLUNTARILY WRITTEN STATEMENT

LCSO Report # 4187

1 of 1

While on patrol at Carter Lake, On June 23, 2006 dispatch aired that there was a 66 year old male who was thrown off his ATV. I responded to the call. Parks officer (b)(6) was the first officer on scene. She called out to dispatch and said that she was with the patient. He was breathing slowly. A minute later she called out that she was starting CPR. I arrived on scene a couple of minutes later, to find a male laying on the ground unconscious and not breathing with good CPR in progress. I told Parks officer (b)(6) to stop CPR for a minute so I could evaluate the patient and have her call dispatch to get an Air life go. The patient was bleeding from his head and from his right shoulder. I told Parks officer (b)(6) to resume CPR and she did. I had one of the neighbors who was on scene come down and start bagging him one breath every three seconds. I hooked the bag valve mask to high flow oxygen. I sized and inserted an oral pharyngeal air way which went in with no resistance. I checked for effectiveness of compressions and they were good. I then cut off the patient's shirt to find that he had cuts and scraps to his chest and legs. I then put a cervical collar on him. We did CPR for about thirty minutes before Loveland Fire Engine 3 and Paramedic 331 showed up. I told the paramedic that we had been doing CPR for about thirty minutes and had not gotten a pulse back at any time. I turned the patient's care over to Paramedic 331 who pronounced the patient dead at the scene.

I (b)(6) live at (b)(6) Phone  
number is (b)(6) I am a state citified Firefighter one, EMT-B/IV

Signed on this 24 day of June 24, 2006.

(b)(6)



**OFFICE OF THE CORONER/MEDICAL EXAMINER**

Patrick C. Allen, M.D., Coroner

493 N. Denver Avenue  
Loveland, Colorado 80537  
Phone: (970) 679-4517  
FAX: (970) 679-4510

**AUTOPSY REPORT**

NAME: (b)(3);CPSA Section 25(c),(b)(6)

AUTOPSY #: 2006CA-77

DOB: (b)(3);CPSA Section 25(c),(b)(6)

AGE: 66

INVESTIGATION #: 06C-358

DATE AND TIME OF DEATH: 6-23-06; 21:13

DATE, TIME, AND PLACE OF AUTOPSY: 6-24-06; 12:00; MCKEE MEDICAL CENTER

PATHOLOGIST: CINA

ASSISTANT: (b)(6)

**FINAL PATHOLOGIC DIAGNOSES**

- I MINOR HEAD INJURIES:
  - A) ABRASIONS: LEFT CHIN, LEFT BACK OF HEAD
  - B) LACERATION ABOVE LEFT EAR
- II THORACOABDOMINAL INJURIES:
  - A) PATTERNED ABRASIONS: LEFT SHOULDER, LEFT SIDE OF ABDOMEN
  - B) NONSPECIFIC ABRASIONS OF TORSO
  - C) FRACTURES: RIGHT CLAVICLE; RIGHT RIBS 1-12 ANTEROLATERALLY AND 2-5 POSTERIORLY; LEFT RIBS 5-7 ANTEROLATERALLY AND 1-12 POSTERIORLY; T2 AND T5 INTERVERTEBRAL SPACES
  - D) BILATERAL 300 ml. HEMOTHORACES
  - E) PARTIAL AVULSION OF UPPER LOBE, LEFT LUNG
  - F) BILATERAL PNEUMOTHORACES WITH ATELECTASIS AND PULMONARY CONTUSIONS
- III INJURIES TO EXTREMITIES:
  - A) COMPOUND FRACTURE, RIGHT PROXIMAL HUMERUS
  - B) NONSPECIFIC LINEAR ABRASIONS
- IV PRE-EXISTENT CONDITIONS:
  - A) MUSCULAR ATROPHY WITH FATTY INFILTRATION COMPATIBLE WITH CLINICAL HISTORY OF ADULT-ONSET MUSCULAR DYSTROPHY
  - B) MYOCARDIAL HYPERTROPHY (550 gm.) WITH PATCHY INTERSTITIAL REPLACEMENT FIBROSIS
  - C) INCREASED BODY MASS INDEX
- V TOXICOLOGY:
  - A) BLOOD, ETHANOL: NONE DETECTED
  - B) BLOOD, CARBON MONOXIDE: 0.0%
  - C) URINE, DRUG SCREEN: NONE DETECTED

continued

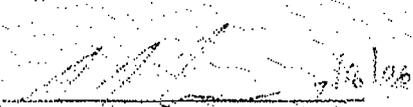
(b)(3):CPSA Section 25(c),(b)(6)

Larimer County, Colorado  
Autopsy No. 2006CA-77

Autopsy report continued

**OPINION:**

This 66-year-old White male, (b)(3):CPSA Section 25(c),(b)(6) died of thoracic blunt force injuries received in an all terrain vehicle mishap. There were bilateral flail chests associated with pneumothoraces and pulmonary contusions. Multiple rib fractures and two fractures of the thoracic spinal column ("broken back") were also noted. A significant pre-existing condition was adult onset multiple sclerosis and mild chronic ischemic heart disease. The manner of death is accident.

  
Stephen J. Cina, M.D.  
Forensic Pathologist

1. Task Number 090108HCC1308		2. Investigator's ID 8925		<b>EPIDEMIOLOGIC INVESTIGATION REPORT</b>
3. Office Code 810	4. Date of Accident YR MO DAY 2008 05 25	5. Date Initiated YR MO DAY 2009 01 15		
6. Synopsis of Accident or Complaint UPC none  The victim, a 29-year-old female passenger, was riding in a utility vehicle on a compacted, sandy, dirt road and she was not wearing a helmet. The driver struck a bump, lost control and the vehicle flipped over. The passenger was thrown and the vehicle landed on top of her. She sustained a lacerated liver, a fractured pelvis, a spinal cord injury, and internal bleeding. The driver and another passenger were thrown from the vehicle and they sustained minor injuries. The victim was taken to a hospital where she died from her injuries following unsuccessful surgery.				
<b>MFR/PRVLBR NOTIFIED</b> 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>5c, 6</i> <input checked="" type="checkbox"/> DO NOT RE-NOTIFY <input type="checkbox"/> RE-NOTIFY <i>5/18/09</i>				
7. Location (Home, School, etc) 4 - STREET OR HIGHWAY		8. City DOSWELL		9. State VA
10A. First Product 5044 - Utility Vehicles		10B. Trade/Brand Name YAMAHA/RHINO		10C. Model Number 660
10D. Manufacturer Name and Address YAMAHA MOTOR CORPORATION/VIN: 5Y4AM04Y26A026876 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 29	13. Sex 2 - Female	14. Disposition 8 - Death	15. Injury Diagnosis 59 - Laceration	
16. Body Part(s) Involved 79 - LOWER TRUNK	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 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 03/04/2009	25. Reviewed By 9093		26. Regional Office Director Dennis R. Blasius	
27. Distribution Moon, Clarice; Streeter, Robin; Kessler, Charles			28. Source Document Number 0851023018	

The information in this report was based on information received from the police department and the medical examiner's office. Contact with the victims' next-of-kin was not permissible.

On Sunday, May 25, 2008, in Hanover County, Doswell, VA, the victim, a 29-year-old female passenger was riding in a 4-wheeled utility vehicle on a compacted, sandy, dirt road which was located on private property and she was not wearing a helmet. The weather condition was clear and the temperature was 77 degrees.

The driver, a 27-year-old female and another passenger, a 26-year-old male were also riding in the vehicle. The driver struck a bump/ditch line in the roadway and she lost control of the utility vehicle. The utility vehicle flipped over and landed in the center of the roadway. The passengers were thrown out, but landed on top of the victim.

The driver's knowledge regarding operation and/or handling the utility vehicle was unknown. Prior to the crash, the utility vehicle traveled at 35 miles per hour. The driver and the other passenger were not wearing any protective gear, such as helmets.

EMS was summoned to the scene and the victim was taken to a hospital located Richmond City, VA, where she underwent surgery. She sustained a lacerated liver, a fractured pelvis, internal bleeding, and a spinal cord injury. Her height and weight were not known. Her surgery was not successful and she succumbed to her injuries at the hospital.

The driver and the other passenger sustained minor injuries. They were taken to the hospital where they were treated and released.

Product: 4-wheeled utility vehicle

Brand/Year: Yamaha/2006

Manufacturer: Yamaha Motor Corporation  
6555 Katella Avenue  
Cypress, CA 90630

Model: Rhino

VIN: 5Y4AM04Y26A026876

Description: green in color

Condition: maintenance history, bought new or used, and prior problems is unknown.

Modification: unknown

**ATTACHMENTS:**

1. Police Crash Report and photographs of the utility vehicle.
2. Report of Investigation by Medical Examiner/Investigator.
3. Contact Information.

# Police Crash Report

Page 1 of 1 pages

Crash date: 05/25/2008		Day of week: Sun	Military time (24 hr clock): 1758	County of crash: HANOVER		Official DMV use: OFFICE USE ONLY					
<input type="checkbox"/> City of		Landmark at scene		GPS Lat							
<input type="checkbox"/> Town of				GPS Long		Mile marker number					
1 Location of crash (route/street): PRIVATE PROPERTY - BULLFIELD ROAD				Railroad crossing ID no. (if within 150 ft):		Local case number: 08-17141					
Location of crash (route/street):						Number of vehicles: 1					
Vehicle No. 1				Vehicle No. 2 (or pedestrian)							
2 X Driver's name (last, first, middle):		Driver fled scene: <input type="checkbox"/>		Yrs. dr. experience:		Driver's name (last, first, middle):					
Address (street and no.):		Address (street and no.):		Address (street and no.):		Address (street and no.):					
3 City:		State: NY		ZIP: 11222		City:					
4 Birth date: 02/16/1980		Gender: F		Driver's license number: 380345303		State: NY					
Vehicle owner's name (last, first, middle) or Commercial motor carrier: ELI... KLIN, CAR...				Vehicle owner's name (last, first, middle) or Commercial motor carrier:							
5 Address (street and no.):		Address (street and no.):		Address (street and no.):		Address (street and no.):					
City:		State: VA		ZIP: 23047		City:					
6 A) Veh type: 19		Veh year: 2006		Veh make: YAMAHA		Veh model: RHINO ATV					
Vehicle plate number: NONE		State: VA		B) EMV type: 1		C) EMV in service: 3					
VIN:		0 00		VIN:		VIN:					
U.S. DOT no. or VA no.:		Placard no. and class or name:		U.S. DOT no. or VA no.:		Placard no. and class or name:					
8 No of axles: Y <input type="checkbox"/> N <input type="checkbox"/>		Truck cover: Y <input type="checkbox"/> N <input type="checkbox"/>		GVWR: <input type="checkbox"/> 10,000 and under		<input type="checkbox"/> 10,001 to 26,000					
<input type="checkbox"/> HAZMAT		<input type="checkbox"/> Cargo spill		<input type="checkbox"/> Oversize		<input type="checkbox"/> Underride					
Vehicle no. 1 damage: Check impact area(s):		Name of insurance company (not agent): UNKNOWN		Vehicle no. 2 damage: Check impact area(s):		Name of insurance company (not agent):					
9 X 10 X 11 5				Crash Diagram							
See back of FR300T								See back of FR300T			
Speed: Before crash: 35		Limit: W		Speed: Before crash:		Limit: W					
Passengers age count: Less 6: 2		6-17: 0		Passengers age count: Less 6:		6-17: 0					
Damage to property other than vehicles: 0.00		Approximate repair cost:		Object struck (tree, fence, etc.):		Property owner's name (last, first, middle) and address:					
19 X 20 21 X 22 X											
Crash description: DRIVER OF VEHICLE #1, WHILE OPERATING A YAMAHA ATV, LOST CONTROL OF THE VEHICLE AND CAUSED THE VEHICLE TO OVERTURN ON THE VEHICLES RIGHT SIDE THE PASSENGER OF THE VEHICLE WAS THROWN AND TRAPPED UNDER THE VEHICLE											
Offenses charged driver: NONE											

12	13	14	15	16	17	18	19	20	Names of injured (if deceased give date of death)	EMS transport	Date of death: MM/DD/YYYY
1	1	1	X	2	02/16/1980	F	3	X	GRIFFIN, SARAH, ASHLEY	N	
1	3	1	X	3	01/31/1979	F	1	X	ZIERKE, ERLENE, MARGARET	Y	05/25/2008
1	7	1	X	3	02/16/1981	M	2	X	BYRD, AARON	N	

# Hanover County Sheriff's Office

# Offense

Report Type (circle one) Initial <input type="checkbox"/> Modify <input type="checkbox"/>	Case # (CAD#): <b>08-17141</b>	Report Date <b>05-25-08</b>	Report Time <b>1758</b>	Reporting Officer <b>Tilley, Michael T.</b>	PCN # <b>0439</b>	Division <b>Patrol</b>
Incident From Date <b>05-25-08</b>	Incident From Time <b>1758</b>	Incident Thru Date <b>05-25-08</b>	Incident Thru Time <b>2008</b>	Weather <b>0 1</b>	(01) Clear (02) Cloudy	(03) Rain (04) Snow (05) Windy (06) Unknown (07) Other
Location Street # <b>17000 Blk</b>	Location Street Name (Dir, Name, Apt# or Ste) <b>Bullfield Road</b>	City, State, Zip <b>Doswell, VA 23047</b>	Intersecting Street Name <b>Farmhill Lane</b>	Building	Subdivision	Beat <b>12</b>
Investigator/Officer Assigned <b>M. Tilley</b>	PCN # <b>0439</b>	Division <b>PAT</b>	Assigning Supervisor <b>L. R. L. Farmer</b>	PCN # <b>7925</b>	Division <b>INV</b>	
Oms Seq# <b>01</b>	VA Code #	M/F	Offense Description <b>Private Prop. Fatality</b>	IBR Code	Attempted <input type="checkbox"/> Completed <input type="checkbox"/>	Suspects Used (All that apply) <b>Alcohol</b> <input type="checkbox"/> <b>Drugs</b> <input type="checkbox"/> <b>Computer Equip</b> <input type="checkbox"/>

**Narrative:**  
The victim sustained fatal injuries after being involved in an ATV crash on private property.

Location Code (bl) <b>1 0</b>	Location Code (01) Air/Bus/Train Term (02) Bank/S&L/Financial (03) Bar/Tavern/Night Club (04) Church (05) Commercial/Office (06) Construction Site (07) Convenience Store (08) Department Store	(09) Drug Store (10) Field/Woods (11) Gov't Building (12) Grocery Store (13) Highway/Road/Alley (14) Hotel/Motel (15) Jail/Detention (16) Lake/Waterway (17) Liquor Store	(18) Parking lot/Garage (19) Rental Storage Units (20) Residence/Home (21) Restaurant (22) School/College (23) Service/Gas Station (24) Specialty Store (25) Shed/Unattached	(26) Doctor/Hospital (27) Veterinarian Office (28) ATM Machine (29) Park/Recreation (30) Fast Food (31) Truck Stop (98) Other (99) Unknown
# of Premises (if offense is Burglary and Location is Hotel/Motel or Rental Storage Unit)	Forced Entry / No Force (if offense is Burglary) <b>F / N</b>	Weapon 1 <input type="checkbox"/> Automatic 1 <input type="checkbox"/>	Weapon 2 <input type="checkbox"/> Automatic 2 <input type="checkbox"/>	Weapon 3 <input type="checkbox"/> Automatic 3 <input type="checkbox"/>
Entry 1 <input type="checkbox"/>	Entry 2 <input type="checkbox"/>	Exit 1 <input type="checkbox"/>	Exit 2 <input type="checkbox"/>	Point of Entry/Exit (00) None (01) Front (02) Rear (03) Side (04) Attic (05) Vent/A.C. (06) Window (07) Door (08) Patio/Sliding Door (09) Balcony/Fire Escape (10) Attached Garage (11) Wall (12) Vehicle (13) Floor (14) Roof Skylight (15) Hidden Within (18) Ceiling (19) Ground Level (20) Pet Door (21) Upper Level (90) Other (99) Unknown
Activity 1 <input type="checkbox"/>	Activity 2 <input type="checkbox"/>	Activity 3 <input type="checkbox"/>	Type Criminal Activity (Use Only For: Counterfeiting, Stolen Property, Drug Equipment or Gambling Violations, Pornography/Obscene Material, or Weapon Law Violation Offenses) (B) Buying/Receiving (C) Cultivate/Manufacture/Publish/Produce (D) Distributing/Selling (E) Exploiting Children (O) Operating/Promoting/Assisting (P) Possessing/Concealing (T) Transport/Transmit/Import (U) Using/Consuming	
Security 1 <input type="checkbox"/>	Security 2 <input type="checkbox"/>	Security Type (00) None (01) Alarm/Audio (02) Alarm/Silent (03) Bars/Grate (04) Camera (05) Dead Bolt (06) Dog (07) Fence (08) Guard (09) Lights, Ext (10) Lights, Int (11) Locked (12) Neigh Watch (13) Unlocked (90) Unknown (91) Other		
How Left Scene? <input type="checkbox"/>	<b>0 1</b>	How Left Scene? (01) Auto (02) Bicycle (03) Foot (04) Moped (05) Motorcycle (06) Truck (07) Van (90) Unknown (91) Other	Bias Motivation <b>8 8</b> (88) None (No Bias) (11) Anti-White (12) Anti-Black (13) Anti-Am Indian/Alaskan Native (14) Anti-Asian/Pacific Islander (15) Anti-Multi-Racial Group (21) Anti-Jewish (22) Anti-Catholic (23) Anti-Protestant (24) Anti-Islamic (Moslem) (25) Anti-Otr Religion (Buddhism, Hinduism) (26) Anti-Multi-Religious Group (27) Anti-Atheist/Agnostic (31) Anti-Arab (32) Anti-Hispanic (33) Anti-Other Ethnicity/National Origin (41) Anti-Homosexual/Male (42) Anti-Homosexual/Female (43) Anti-Homosexual/Male & Female (44) Anti-Heterosexual (45) Anti-Bisexual (51) Anti-Physical Disability (52) Anti-Mental Disability (90) Unknown (Suspect's motivation not known)	

Disp <b>CO</b>	Disp Date	Method of Entry (V)	
(CA) Cleared by Arrest (CO) Cleared Other (UF) Unfounded (PD) Pending (IA) Inactive		<input type="checkbox"/> Smash or Break Glass (01) <input type="checkbox"/> Cut/Removed Glass (02) <input type="checkbox"/> Bodily Force (03) <input type="checkbox"/> Pried Door/Window (04) <input type="checkbox"/> Removed Door/Window (05) <input type="checkbox"/> Cut/Knocked Hole (06)	<input type="checkbox"/> Cut Brake Lock (07) <input type="checkbox"/> Slipped Lock (08) <input type="checkbox"/> Key (09) <input type="checkbox"/> Unlocked (10) <input type="checkbox"/> Hide inside (11) <input type="checkbox"/> Admitted by Victim (12) <input type="checkbox"/> Alarm Bypassed (13)
Cir Other <b>8</b>	Status Date <b>5/25/08</b>	<input type="checkbox"/> Attacked Hinges (14) <input type="checkbox"/> Battering Ram (15) <input type="checkbox"/> Explosive/Incendiary (16) <input type="checkbox"/> False Pretenses (17) <input type="checkbox"/> Cut Screen (18) <input type="checkbox"/> Smash and Grab (19) <input type="checkbox"/> Lifting (20)	<input type="checkbox"/> Thrown Object, Brk Blk/Rck (21) <input type="checkbox"/> Tools (22) <input type="checkbox"/> Unknown (90) <input type="checkbox"/> Other Force (97)
Trademarks ( )		<input type="checkbox"/> Disabled Phone Alarm <input type="checkbox"/> Flashlight Matches <input type="checkbox"/> Had Lookout <input type="checkbox"/> Impersonation Pretends <input type="checkbox"/> Injured Victim <input type="checkbox"/> Jewelry	<input type="checkbox"/> Mask Half-worn, Stocking <input type="checkbox"/> Perverted Sex Act Exposed <input type="checkbox"/> Set Fire <input type="checkbox"/> Substance Use <input type="checkbox"/> Threatened <input type="checkbox"/> Left Message Note <input type="checkbox"/> Used Vehicle <input type="checkbox"/> Vandalized Pansacked <input type="checkbox"/> Used P Flow Case <input type="checkbox"/> Unusual Long Stay <input type="checkbox"/> Unflushed Toilet <input type="checkbox"/> Other

OFFENSE

INVESTIGATIVE REPORT  
(CCRB RULES)

# Hanover County Sheriff's Office

# Suspect

CASE # (CAD#) <b>08-17141</b>		<input type="checkbox"/> Suspect	<input type="checkbox"/> Runaway	<input type="checkbox"/> Missing Person	<input type="checkbox"/> Habitual Runaway	<input type="checkbox"/> School Employee	<input type="checkbox"/> Student
Suspect or Rel. Vic#		Last Name		First Name		Middle Name	Suffix
Race	<input type="checkbox"/> W <input type="checkbox"/> B <input type="checkbox"/> I <input type="checkbox"/> A <input type="checkbox"/> U	Sex	<input type="checkbox"/> M <input type="checkbox"/> F <input type="checkbox"/> U	DOB		Exact Age or Age Range (of the DOB) ( TO )	
Home Street #	Home Street Name		Apt #	City, State, Zip		Home Phone	
Work Street #	Work Street Name		City, State, Zip		Work Phone		
Employer / School Name			Occupation / Grade Level		Resident R / N / U <input type="checkbox"/>	Country of Citizenship	
OLN	OLS	SSN		Area 1		Alias 2	
Height (low range)	Height (high range)	<b>Color - Hair/Eye</b>		<b>SMT Type</b>	<b>Location</b>	If suspect is a juvenile, fill in parent/guardian information.	
Weight (low range)	Weight (high range)	(BLK) Black (BLN) Blonde/Strawberry (BLU) Blue (BRN) Brown (GRY) Gray (GRN) Green (RED) Red (WHI) White (HAZ) Hazel	(01) Scars (02) Marks (03) Tattoo (04) Piercing (05) Amputations	(01) Both (02) Front (03) Back (04) Lower (05) Upper (06) Right	(07) Lower Right (08) Upper Right (09) Left (10) Lower Left (11) Upper Left (90) Unknown (91) Other	Relationship <input type="checkbox"/> Lives With? <input type="checkbox"/> Y / N <input type="checkbox"/>	
Marital	M / S / P / D / O / U <input type="checkbox"/>	<b>Skin Tone</b>		<b>Body Part</b>		Relationship <input type="checkbox"/> Lives With? <input type="checkbox"/> Y / N <input type="checkbox"/>	
Hair Color		(ALB) Albino (DRK) Dark (MED) Medium (FAR) Fair/Light (OLV) Olive (RUD) Ruddy (OTH) Other	(01) Ankle (02) Arm (03) Back (04) Breast (05) Buttocks (06) Cheek (07) Chest/Torso (08) Chin (09) Ear (10) Elbow (11) Eye/Eyelid	(12) Eyebrow (13) Face (14) Finger (15) Foot (16) Forehead (17) Groin (18) Hand (19) Head (20) Knee (21) Leg (22) Lips (23) Neck	(24) Nose (25) Shoulder (26) Stomach/Abdm Belly Button (27) Teeth (28) Thigh (29) Toe (30) Tongue (31) Wrist (90) Unknown (91) Other	Full Name (Complete a Related Name record)	
Eye Color						Relationship <input type="checkbox"/> Lives With? <input type="checkbox"/> Y / N <input type="checkbox"/>	
Skin Tone						Full Name (Complete a Related Name record)	
Ethnic	H / N / U <input type="checkbox"/>					Relationship <input type="checkbox"/> Lives With? <input type="checkbox"/> Y / N <input type="checkbox"/>	
Scars, Marks, Tattoos Type		Location	Body Part	Description		Weapon Type <input type="checkbox"/> Other <input type="checkbox"/>	
1		1	1			Weapon Feature <input type="checkbox"/> Other <input type="checkbox"/>	
2		2	2			Weapon Make	
3		3	3			Weapon Model	
4		4	4			Weapon Caliber/Gauge	
<b>Physical Characteristics</b> (- all that apply)		<b>Build</b>	<b>Facial Hair</b>	<b>Handed</b>	<b>Direction of Travel</b>		
<b>Demeanor</b>		<input type="checkbox"/> Thin <input type="checkbox"/> Heavy <input type="checkbox"/> X Heavy <input type="checkbox"/> Muscular/Body Builder	<input type="checkbox"/> Beard, Full <input type="checkbox"/> Beard, Goatee <input type="checkbox"/> Beard, Thin <input type="checkbox"/> Lower Lip <input type="checkbox"/> Mustache <input type="checkbox"/> Mustache, Handebar <input type="checkbox"/> Unshaven	<input type="checkbox"/> Ambidextrous <input type="checkbox"/> Left <input type="checkbox"/> Right	<b>Mode of Travel</b>		
<input type="checkbox"/> Angry <input type="checkbox"/> Apologetic <input type="checkbox"/> Calm <input type="checkbox"/> Disorganized <input type="checkbox"/> Emotional <input type="checkbox"/> Irrational <input type="checkbox"/> Nervous <input type="checkbox"/> Polite <input type="checkbox"/> Professional <input type="checkbox"/> Violent		<b>Ears</b>	<b>Hair Length</b>	<b>Glasses</b>	<b>Weapon Type</b>		
<b>Distinguishing Charac</b>		<input type="checkbox"/> Cauliflower Ear <input type="checkbox"/> Long <input type="checkbox"/> Protruding	<input type="checkbox"/> Bald <input type="checkbox"/> Collar <input type="checkbox"/> Long <input type="checkbox"/> Medium <input type="checkbox"/> Receding/Thin <input type="checkbox"/> Short <input type="checkbox"/> Shoulder	<input type="checkbox"/> Glasses <input type="checkbox"/> Sunglasses	<input type="checkbox"/> (65) Fire/Incendiary Device <input type="checkbox"/> (70) Narcotics/Drugs/ Sleeping Pills <input type="checkbox"/> (85) Asphyxiation <input type="checkbox"/> (95) Unknown		
<input type="checkbox"/> Acne/Pockmarks <input type="checkbox"/> Bow Legged <input type="checkbox"/> Dirty Rugged <input type="checkbox"/> Exposed Nails <input type="checkbox"/> Female Impersonation <input type="checkbox"/> Pink Nails <input type="checkbox"/> Heavy Eyeliner <input type="checkbox"/> Mismatched Eyes <input type="checkbox"/> Military <input type="checkbox"/> Moles <input type="checkbox"/> Odd/Unusual <input type="checkbox"/> Smokes <input type="checkbox"/> Under Intox Drug/Alcohol <input type="checkbox"/> Unkempt D shaved <input type="checkbox"/> Visible Blood Vessels <input type="checkbox"/> Wine/Glms of Exp Sex		<b>Eyes</b>	<b>Hair Style</b>	<input type="checkbox"/> Foreign/Accent <input type="checkbox"/> Lisp <input type="checkbox"/> Mumbles <input type="checkbox"/> Northern <input type="checkbox"/> Poor English <input type="checkbox"/> Silent <input type="checkbox"/> Soft/Whisper <input type="checkbox"/> Southern <input type="checkbox"/> Street Talk <input type="checkbox"/> Stutters <input type="checkbox"/> Vulgar/Profane	<input type="checkbox"/> (90) Other <b>Weapon Feature</b> <input type="checkbox"/> (01) Small Frame <input type="checkbox"/> (02) Medium Frame <input type="checkbox"/> (03) Large Frame <input type="checkbox"/> (04) Blue <input type="checkbox"/> (05) Chrome <input type="checkbox"/> (06) Stainless Steel <input type="checkbox"/> (90) Unknown <input type="checkbox"/> (91) Other		
		<b>Teeth</b>	<input type="checkbox"/> Afro <input type="checkbox"/> Braided <input type="checkbox"/> Curly/Corny Cut <input type="checkbox"/> Dreadlocks <input type="checkbox"/> Dumb Curl-cut <input type="checkbox"/> Greasy <input type="checkbox"/> Kinky/Wavy <input type="checkbox"/> Military Box Cut <input type="checkbox"/> Ponytail <input type="checkbox"/> Shaven <input type="checkbox"/> Straight <input type="checkbox"/> Wig/Toupees	<input type="checkbox"/> Glasses <input type="checkbox"/> Sunglasses	<input type="checkbox"/> (01) Unarmed <input type="checkbox"/> (02) Wpn Alleged/Implied <input type="checkbox"/> (11) Firearm/Unspecified <input type="checkbox"/> (12) Handgun <input type="checkbox"/> (13) Rifle <input type="checkbox"/> (14) Shotgun <input type="checkbox"/> (15) Other Firearm <input type="checkbox"/> (16) Knife/Cutting Instrument <input type="checkbox"/> (30) Blunt Object/Club <input type="checkbox"/> (35) Motor Vehicle <input type="checkbox"/> (40) Hands/Feet/Fists (Personal Wpn) <input type="checkbox"/> (50) Poison <input type="checkbox"/> (60) Explosives		
		<input type="checkbox"/> Broad <input type="checkbox"/> Broken/Cracked <input type="checkbox"/> Hooked <input type="checkbox"/> Very Large	<b>Write in All Others</b> to describe the suspect and any other distinguishing descriptors.	<input type="checkbox"/> Write in All Others	<input type="checkbox"/> (91) Other		
		<input type="checkbox"/> Broken/Chipped <input type="checkbox"/> Decay/Dirty Stain <input type="checkbox"/> Gapped <input type="checkbox"/> Gold/Silver Clipped <input type="checkbox"/> Irregular Protruding <input type="checkbox"/> Missing/Piece <input type="checkbox"/> Other Enigms			<b>Alerts</b> (fill that apply)		
					<input type="checkbox"/> Assaulted Police Officer <input type="checkbox"/> History of Resisting <input type="checkbox"/> HIV/Infectious <input type="checkbox"/> Mentally Unstable <input type="checkbox"/> Gang Affiliation (write in name)		
					<input type="checkbox"/> Narcotics Seller/User <input type="checkbox"/> Probably Armed <input type="checkbox"/> Subversive <input type="checkbox"/> Suicidal Tendencies <input type="checkbox"/> Other		
					Arrested? <input type="checkbox"/> Yes <input type="checkbox"/> No Court Date		
					Arrested by: <input type="checkbox"/> Hanover SO <input type="checkbox"/> CCRB/JOR		

SUSPECT / RUNAWAY / MISSING PERSON

# Hanover County Sheriff's Office

Victim

CASE # (CAD#)		08-17141	
VI Reporting Person? <input type="checkbox"/> YES Vict Seq # <b>01</b> Type <input checked="" type="checkbox"/> I	(B) Business (F) Financial Institution	(G) Government (I) Individual (not LE)	(L) Law Enforcement Officer (R) Religious Organization (S) Society/Public
Last Name (If Runaway or Missing Person, also fill out suspect page)		First Name	Middle Name
Race <input checked="" type="checkbox"/> W <input type="checkbox"/> W/B/A	Sex <input checked="" type="checkbox"/> F <input type="checkbox"/> M/F	DOB <b>01-31-79</b>	Exact Age or Age Range (if no DOB) <b>29</b> (TO )
Home Street #	Home Street Name	Apt #	City, State, Zip
Work Street #	Work Street Name	City, State, Zip	
Employer / School Name	Occupation / Grade Level	Resident R/N <input checked="" type="checkbox"/> N	Country of Citizenship <b>USA</b>
Ethnic <input checked="" type="checkbox"/> N <input type="checkbox"/> H (Hispanic) <input type="checkbox"/> N (Non-Hispanic)	Driver's license #	Other Information	
This victim is related to which offense seq #? <b>01</b>			
Injury 1 <input checked="" type="checkbox"/> O	Injury 2 <input checked="" type="checkbox"/> U	Injury 3	Injury 4
<b>Victim Injury</b> (N) None (M) Apparent Minor Injury (B) Apparent Broken Bones (I) Possible Internal Injury		(L) Severe Laceration (T) Loss of Teeth (U) Unconsciousness (O) Other Major Injury	
Susp #1	Susp #2	<b>Relationship of this victim to suspects</b>	
Susp #3	Susp #4	<b>Within Family</b> (SE) Victim was Spouse (CS) Victim was Common-Law Spouse (PA) Victim was Parent (SB) Victim was Sibling (Brother or Sister) (CH) Victim was Child (GP) Victim was Grandparent (GC) Victim was Grandchild (IL) Victim was In-Law (SP) Victim was Stepparent (SC) Victim was Stepchild	
Susp #5	Susp #6	<b>Outside Family But Known to Victim</b> (AQ) Victim was Acquaintance (FR) Victim was Friend/Roommate (NE) Victim was Neighbor (BE) Victim was Babysitter (The Baby) (BS) Victim was Babysitter (BG) Victim was Boyfriend/Girlfriend (CF) Victim was Child of Boyfriend/Girlfriend (HR) Victim was Homosexual Relationship (XS) Victim was Ex-Spouse	
Susp #7	Susp #8	<b>Not Known by Victim</b> (EE) Victim was Employee (ER) Victim was Employer (AT) Victim was Attorney (CL) Victim was Clergy (OK) Victim was Otherwise Known (ST) Victim was Stranger (RU) Relationship Unknown	
Susp #9	Susp #10		
Complete Circumstance blocks <b>ONLY</b> if offense is Aggravated Assault, Homicide, Simple Assault*, or Intimidation* (*Circ must be 02).			
<b>Agg Assault/Homicide Circumstance 1</b> [ ]	<b>Agg Assault/Homicide (2 max)</b> (01) Argument (02) Assault On Law Enf Officer (03) Drug Dealing (04) Gangland (05) Juvenile Gang (06) Lover's Quarrel	(07) Mercy Killing (08) Other Felony Involved (09) Other Circumstances (10) Unknown Circumstances	<b>Negligent Manslaughter (1 max)</b> (30) Child Playing with Weapon (31) Gun-Cleaning Accident (32) Hunting Accident (33) Other Negligent Weapon Handling (34) Other Negligent Killings
<b>Justifiable Homicide Circumstances</b> [ ]	<b>Justifiable Homicide</b> (A) Criminal Attacked Cop and that Cop Killed Criminal (B) Criminal Attacked Cop and Killed by Another Cop	(C) Criminal Attacked a Civilian (D) Criminal Attempted Flight From a Crime (E) Criminal Killed in Commission of a Crime	(F) Criminal Resisted Arrest (G) Unable to Determine/Not Enough Information
Complete Law Enforcement blocks <b>ONLY</b> if victim is a Law Enforcement Officer.			
<b>Law Enforcement Activity</b> [ ]	<b>Law Enforcement Activity</b> (01) Responding to Disturbance Calls (02) Burglary in Progress or Pursuing Burglary (03) Robbery in Progress or Pursuing Robbery	(04) Attempting Other Arrest (05) Civil Disorder (Riot, Mass Disobed) (06) Handling, Transporting, Cust of (07) Investigating Susp Persons	(08) Ambush - No Warning (09) Mentally Deranged (10) Traffic Pursuit or Stops (91) All Other
<b>Law Enforcement Assignment</b> [ ]	<b>Law Enforcement Assignment</b> (A) Two Man Vehicle (B) One Man Alone	(C) One Man Assisted (D) Non-Uniform Alone (Detective ) (E) Non-Uniform Assisted (Detective )	(F) Other Alone (Off-Duty, On Foot, ) (G) Other Assisted
(Victim Written Statement Optional)			
Date			

# Hanover County Sheriff's Office

CASE # (CAD #) <b>08-17141</b>							
Code <input type="checkbox"/> (C) Complainant <input type="checkbox"/> (I) Informational <input type="checkbox"/> (W) Witness	Seq# <b>01</b>	Type <input type="checkbox"/> (B) Business <input type="checkbox"/> (F) Financial Inst	<input type="checkbox"/> (G) Government <input type="checkbox"/> (I) Individual	<input type="checkbox"/> (L) Law Enforcement <input type="checkbox"/> (R) Religious Org	<input type="checkbox"/> (S) Society/Public		
Last Name		First Name		Middle Name		Suffix	
Race <input checked="" type="checkbox"/> W <input type="checkbox"/> B <input type="checkbox"/> I <input type="checkbox"/> A <input type="checkbox"/> U	Sex <input checked="" type="checkbox"/> F <input type="checkbox"/> M <input type="checkbox"/> F <input type="checkbox"/> U	DOB <b>02-16-80</b>	Exact Age or Age Range (if no DOB) <b>28</b> ( TO )		Ethnic <input checked="" type="checkbox"/> N <input type="checkbox"/> (H) Hispanic <input type="checkbox"/> (U) Unkn <input type="checkbox"/> (N) Non-Hispanic		
Home Street #	Home Street Name	Apt # <b>2R</b>	City, State, Zip		Home Phone		
Work Street #	Work Street Name	City, State, Zip		Work Phone			
Employer / School Name			Occupation / Grade Level		Resident R/N/U <input checked="" type="checkbox"/> N	Country of Citizen- ship <b>USA</b>	
SSN		OLN (if differs from ssn)		Further Info <b>Driver of ATV</b>			

CASE # (CAD #)							
Code <input checked="" type="checkbox"/> (C) Complainant <input type="checkbox"/> (I) Informational <input type="checkbox"/> (W) Witness	Seq# <b>01</b>	Type <input type="checkbox"/> (B) Business <input type="checkbox"/> (F) Financial Inst	<input type="checkbox"/> (G) Government <input type="checkbox"/> (I) Individual	<input type="checkbox"/> (L) Law Enforcement <input type="checkbox"/> (R) Religious Org	<input type="checkbox"/> (S) Society/Public		
Last Name		First Name		Middle Name		Suffix	
Race <input checked="" type="checkbox"/> W <input type="checkbox"/> B <input type="checkbox"/> I <input type="checkbox"/> A <input type="checkbox"/> U	Sex <input checked="" type="checkbox"/> M <input type="checkbox"/> F <input type="checkbox"/> U	DOB	Exact Age or Age Range (if no DOB)		Ethnic <input checked="" type="checkbox"/> N <input type="checkbox"/> (H) Hispanic <input type="checkbox"/> (U) unk <input type="checkbox"/> (N) Non hispanic		
Home Street #	Home Street Name	Apt #	City, State, Zip <b>Atlanta GA 30307</b>		Home Phone		
Work Street #	Work Street Name	City, State, Zip		Work Phone			
Employer / School Name <b>unemployed</b>			Occupation / Grade Level		Resident R/N/U <input checked="" type="checkbox"/> N	Country of Citizen- ship <b>USA</b>	
SSN		OLN (if differs from ssn)		Further Info <b>Rear Passenger of ATV</b>			

CASE # (CAD #)							
Code <input type="checkbox"/> (C) Complainant <input type="checkbox"/> (I) Informational <input type="checkbox"/> (W) Witness	Seq#	Type <input type="checkbox"/> (B) Business <input type="checkbox"/> (F) Financial Inst	<input type="checkbox"/> (G) Government <input type="checkbox"/> (I) Individual	<input type="checkbox"/> (L) Law Enforcement <input type="checkbox"/> (R) Religious Org	<input type="checkbox"/> (S) Society/Public		
Last Name		First Name		Middle Name		Suffix	
Race <input type="checkbox"/> W <input type="checkbox"/> B <input type="checkbox"/> I <input type="checkbox"/> A <input type="checkbox"/> U	Sex <input type="checkbox"/> M <input type="checkbox"/> F <input type="checkbox"/> U	DOB	Exact Age or Age Range (if no DOB)		Ethnic <input type="checkbox"/> (H) Hispanic <input type="checkbox"/> (U) unk <input type="checkbox"/> (N) Non hispanic		
Home Street #	Home Street Name	Apt #	City, State, Zip		Home Phone		
Work Street #	Work Street Name	City, State, Zip		Work Phone			
Employer / School Name			Occupation / Grade Level		Resident R/N/U <input type="checkbox"/>	Country of Citizen- ship	
SSN		OLN (if differs from ssn)		Further Info			

CASE # (CAD #)							
Code <input type="checkbox"/> (C) Complainant <input type="checkbox"/> (I) Informational <input type="checkbox"/> (W) Witness	Seq#	Type <input type="checkbox"/> (B) Business <input type="checkbox"/> (F) Financial Inst	<input type="checkbox"/> (G) Government <input type="checkbox"/> (I) Individual	<input type="checkbox"/> (L) Law Enforcement <input type="checkbox"/> (R) Religious Org	<input type="checkbox"/> (S) Society Public		
Last Name		First Name		Middle Name		Suffix	
Race <input type="checkbox"/> W <input type="checkbox"/> B <input type="checkbox"/> I <input type="checkbox"/> A <input type="checkbox"/> U	Sex <input type="checkbox"/> M <input type="checkbox"/> F <input type="checkbox"/> U	DOB	Exact Age or Age Range (if no DOB)		Ethnic <input type="checkbox"/> (H) Hispanic <input type="checkbox"/> (U) unk <input type="checkbox"/> (N) Non hispanic		
Home Street #	Home Street Name	Apt #	City, State, Zip		Home Phone		
Work Street #	Work Street Name	City, State, Zip		Work Phone			
Employer / School Name			Occupation / Grade Level		Resident R/N/U <input type="checkbox"/>	Country of Citizen- ship	
SSN		OLN (if differs from ssn)		Further Info			

Case # (CAD):	Report Date	Officer Name	PC No	Page	Total Pages	Officer Initials	Supv. Initials
08-17141	05/25/08	M.T. Tilley	0439	1	1	MTT	<i>MTT</i>

### SECTION 5 – SUMMARY

On Sunday, May 25, 2008, I responded to Hanover Fire & EMS Company #4 to investigate an ATV accident that occurred on private property at the end of Bullfield Road. Upon arrival I found that the victim of the accident was in unstable condition and was being transported to MCV Hospital by Med-flight. I found that there were three individuals on the ATV at the time of the incident. The driver of the vehicle was [REDACTED] (28); front right passenger was [REDACTED] (29); and the rear cargo passenger was [REDACTED] (30).

I spoke with [REDACTED] while at Company #4. [REDACTED] stated that the three of them were riding around in the ATV when [REDACTED] struck a bump in the road and lost control of the vehicle. The ATV then began to flip onto its side and [REDACTED] was thrown from the vehicle onto the ground. The ATV then flipped over, landed and pinned [REDACTED] underneath the ATV. [REDACTED] was thrown from the vehicle and sustained only minor cuts, scrapes and bruises.

I then responded to [REDACTED] to speak with the driver of the vehicle. Upon arrival I observed the vehicle in question being moved off of a trailer by [REDACTED]. I spoke with [REDACTED] who stated that she was the driver of the ATV and that while traveling down a dirt road she hit a bump in the roadway and lost control of the vehicle and the vehicle flipped over. While speaking with her I smelled a slight odor of alcoholic beverage about her person. She stated that she had a couple of beers about two to three hours ago. She stated that the accident happened around 1800 hours and she had not had anything to drink since the crash. I then asked her to perform several field sobriety tests at 1900 hours. The first test I offered was the alphabet test. I asked her to recite the letters D-V; she stated E,F,G,H,I,K,L – V. I then administered the HGN test and observed only a distinct and sustained onset of nystagmus at maximum deviation in both eyes. The third test was the one-leg stand and she did this test with no clues observed. The fourth test was the walk and turn. She performed this test and only failed to touch heel to toe on step seven forward. I then offered her a Preliminary Breath Test and she blew a .067. I photographed and obtained information on the ATV.

I then responded to the location of the accident on Bullfield Road. I observed a compacted sand roadway where the vehicle had overturned. I measured 184' of tire marks on the surface of the roadway. I found that the ATV crossed a ditch line then lost control to the right, crossed back across the roadway to the left, crossed back across the roadway to the right and the overturned in the center of the roadway. I marked and photographed the scene.

I then responded to the Sheriff's Office and received a call from Investigator Ferrell with the Medical Examiner's Office. She informed me that [REDACTED] died during surgery and was pronounced dead by Dr. Iglesias at 2008 hours. The body was taken to the Medical Examiners Office for viewing. [REDACTED] sustained a lacerated liver, fractured pelvis, internal bleeding and a spinal cord fracture.

An Office Use Only FR300, After Action Report, and IBR were completed.

Hanover County Sheriff's Office

CASE # (CAD#) <b>08-17141</b>		<input type="checkbox"/> Suspect Vehicle Seq# <input type="checkbox"/> Victim Vehicle Seq# <input checked="" type="checkbox"/> Informational Vehicle Seq# <b>01</b>	
License/Tag # <b>N/A</b>		<b>License Type</b> (CI) City Owned/Municipal (DX) Handicapped (DL) Independent Dealer (MC) Motorcycle (PC) Passenger Car (TK) Truck/Commercial Only (UK) Unknown	
Tag State <b>N/A</b>	Tag Year <b>N/A</b>	<b>Vehicle Type</b> (01) All Terrain Vehicle (02) Bus (04) Car (05) Golf Cart (06) Moped (07) Motorcycle (08) Recreational Vehicle (09) Truck (10) Van (90) Unknown (91) Other	
<b>Vehicle Style</b> (2D) 2-Door (HB) 3-Door (4D) 4-Door (LL) 4-Wheel Drive (UT) Cargo (CV) Convertible (2H) Hatch Back, 2-Door (4H) Hatch Back, 4-Door (VN) Minivan (PA) Passenger (PU) Pickup (SW) Station Wagon (OT) Other		<b>Make</b> (ACUR) Acura (AUDI) Audi (BMW) BMW (BUIC) Buick (CADIL) Cadillac (CHEV) Chevrolet (CHRY) Chrysler (DAIH) Daihatsu (DODG) Dodge (FORD) Ford (GMC) GMC (GEO) Geo (HD) Harley (HONDA) Honda (HYUN) Hyundai (INFI) Infiniti (ISUZU) Isuzu (JAGU) Jaguar (JEEP) Jeep (KAWA) Kawasaki (KIA) Kia (LEX) Lexus (LINCOLN) Lincoln (MAZDA) Mazda (MERZ) Mercedes (MERC) Mercury (MITS) Mitsubishi (NISS) Nissan (OLDS) Oldsmobile (PLYM) Plymouth (PONT) Pontiac (PORS) Porsche (SAAB) Saab (SATURN) Saturn (SUBA) Subaru (SUZU) Suzuki (TOYT) Toyota (VOLK) Volkswagen (VOLV) Volvo (YAMA) Yamaha (UNK) Unknown (OTH) Other	
<b>Color</b> (ALU) Aluminum (BGE) Beige (BLK) Black (BLU) Blue (BRZ) Bronze (BRO) Brown (CAM) Camouflage (CHO) Chrome (CPR) Copper (CRM) Cream (DBL) Dark Blue (DGR) Dark Green (DRK) Dark (GLD) Gold (GRY) Gray (GRN) Green (LAV) Lavender (LBL) Light Blue (LGR) Light Green (MAR) Maroon (MUL) Multicolor (ONG) Orange (PNK) Pink (PRM) Primer (PLE) Purple (RED) Red (RST) Rust (SLV) Silver (TAN) Tan (TRO) Turquoise (WHI) White (YEL) Yellow (UKN) Unknown (OTH) Other		<b>Year</b> <b>2006</b>	
<b>Model</b> <b>Rhino</b>		<b>Make</b> <b>YAMAHA</b>	
<b>Owner Last Name</b> [REDACTED]		<b>First Name</b> [REDACTED]	
<b>Race</b> <input checked="" type="checkbox"/> W <input type="checkbox"/> W/B <input type="checkbox"/> A <input type="checkbox"/> U		<b>Sex</b> <input checked="" type="checkbox"/> M <input type="checkbox"/> F <input type="checkbox"/> U	
<b>DOB</b> <b>07-04-49</b>		<b>Exact Age or Age Range (if no DOB)</b> <b>58</b> (TO )	
<b>Home Street #</b> [REDACTED]		<b>Home Street Name</b> [REDACTED]	
<b>Work Street #</b> [REDACTED]		<b>Work Street Name</b> [REDACTED]	
<b>Employer Name</b> [REDACTED]		<b>Occupation</b> [REDACTED]	
<b>Resident</b> <input checked="" type="checkbox"/> R <input type="checkbox"/> N/U		<b>Country of Citizenship</b> <b>USA</b>	
<b>Offense #</b> <b>01</b>	<b>Victim #</b> <b>01</b>	<b>Status Date</b> <b>05-25-08</b>	<b>Status</b> <input checked="" type="checkbox"/> 0 <input type="checkbox"/> 1 (E) Evidence (R) Recovered (S) Stolen (01) None (02) Burned (03) Counterfeited/Forged (04) Damaged/Destroyed/Vandalized (06) Seized/Evidence (99) Unknown (O) Other/Victim Veh
<b>Other Jurisdiction</b> [REDACTED]		<b>Location Street #</b> [REDACTED]	
<b>Value / Damage Amount</b> [REDACTED]		<b>Location Street Name</b> [REDACTED]	
<b>Circumstances</b> <b>Doors</b> <input type="checkbox"/> Locked <input type="checkbox"/> Unlocked <input type="checkbox"/> Other <b>Keys</b> <input type="checkbox"/> Inside of the Car <input type="checkbox"/> On the Door <input type="checkbox"/> Other		<b>Features</b> <input type="checkbox"/> Antenna Additional <input type="checkbox"/> Camper Shell <input type="checkbox"/> Custom Decal/Stickers <input type="checkbox"/> Custom Mag Wheels <input type="checkbox"/> Custom Murals <input type="checkbox"/> Custom Stripes <input type="checkbox"/> Customized <input type="checkbox"/> Decorative Paint <input type="checkbox"/> Dirty <input type="checkbox"/> Faded Paint <input type="checkbox"/> High Rise <input type="checkbox"/> Low Rise <input type="checkbox"/> Luggage Rack <input type="checkbox"/> Noisy <input type="checkbox"/> Raised Front End <input type="checkbox"/> Raised Rear End <input type="checkbox"/> T Top/Sunroof <input type="checkbox"/> Vinyl Roof <input type="checkbox"/> Writing Business Logo <input type="checkbox"/> Other	
<b>Damage</b> <input type="checkbox"/> Fire Damage <input type="checkbox"/> Front <input type="checkbox"/> Hood <input type="checkbox"/> Missing Parts/Access <input type="checkbox"/> Paint <input type="checkbox"/> Rear <input type="checkbox"/> Side, Right <input type="checkbox"/> Side, Left <input type="checkbox"/> Top <input type="checkbox"/> Window <input type="checkbox"/> Other		<b>State #</b> [REDACTED]	
<b>Further Description</b> [REDACTED]			

VEHICLE

Reporting Officer's Signature <i>[Signature]</i>	PCN <b>0439</b>	Date <b>5-26-08</b>
Reviewing Supervisor's Signature <i>[Signature]</i>	PCN <b>0000</b>	Date [REDACTED]

Hanover County Sheriff's Office

CASE # (CAD#) <b>08-17141</b>		<input type="checkbox"/> Suspect Vehicle Seq# _____ <input type="checkbox"/> Victim Vehicle Seq# _____ <input checked="" type="checkbox"/> Informational Vehicle Seq# <b>01</b>	
License/Tag # <b>N/A</b>		<b>License Type</b> (C) City Owned/Municipal (TM) Temporary (DX) Handicapped (ZZ) Other (DL) Independent Dealer (MC) Motorcycle (PC) Passenger Car (TK) Truck/Commercial Only (UK) Unknown	
Tag State <b>N/A</b>	Tag Year <b>N/A</b>	<b>Make</b> (ACUR) Acura (GEO) Geo (LINC) Lincoln (SAA) Saab (AUDI) Audi (HD) Harley (MAZD) Mazda (STRN) Saturn (BMW) BMW (HCND) Honda (MERZ) Mercedes (SUBA) Subaru (BUIC) Buick (HYUN) Hyundai (MERC) Mercury (SUZU) Suzuki (CAD) Cadillac (INFI) Infiniti (MITS) Mitsubishi (TOYT) Toyota (CHEV) Chevrolet (ISU) Isuzu (NISS) Nissan (VOLK) Volkswagen (CHRY) Chrysler (JAGU) Jaguar (OLDS) Oldsmobile (VOLV) Volvo (DAIH) Daihatsu (JEEP) Jeep (PLYM) Plymouth (YAMA) Yamaha (DODG) Dodge (KAWA) Kawasaki (PONT) Pontiac (UKN) Unknown (FORD) Ford (KIA) Kia (PORS) Porsche (OTH) Other (GMC) GMC (LEX) Lexus	
VIN [REDACTED]		<b>Vehicle Type</b> (01) All Terrain Vehicle (2D) 2-Door (02) Bus (HB) 3-Door (04) Car (4D) 4-Door (05) Golf Cart (LL) 4-Wheel Drive (06) Moped (UT) Cargo (07) Motorcycle (CV) Convertible (08) Recreational Vehicle (2H) Hatch Back, 2-Door (09) Truck (4H) Hatch Back, 4-Door (10) Van (VN) Minivan (PA) Passenger (90) Unknown (PU) Pickup (SW) Station Wagon (91) Other (OT) Other	
<b>Vehicle Type</b> <input type="checkbox"/> 0 <input type="checkbox"/> 1		<b>Vehicle Style</b> <input type="checkbox"/> O <input type="checkbox"/> T	
Year <b>2006</b>	Make <b>YAMAHA</b>	<b>Color</b> (ALU) Aluminum (DRK) Dark (PLE) Purple (BGE) Beige (GLD) Gold (RED) Red (BLK) Black (GRY) Gray (RST) Rust (BLU) Blue (GRN) Green (SIL) Silver (BRZ) Bronze (LAV) Lavender (TAN) Tan (BRO) Brown (LBL) Light Blue (TRQ) Turquoise (CAM) Camouflage (LGR) Light Green (WHI) White (CHO) Chrome (MAR) Maroon (YEL) Yellow (CPR) Copper (MUL) Multicolor (ONG) Orange (CRM) Cream (DBL) Dark Blue (PNK) Pink (DBL) Dark Blue (DGR) Dark Green (PRM) Primer (OTH) Other	
Model <b>Rhino</b>		(Color) <input type="checkbox"/> <b>GRN</b>	
Owner Last Name [REDACTED]		First Name [REDACTED] Middle Name [REDACTED] Suffix <b>JR</b>	
Race <input type="checkbox"/> W <input type="checkbox"/> W/B <input type="checkbox"/> I/A <input type="checkbox"/> U Sex <input type="checkbox"/> M <input type="checkbox"/> F <input type="checkbox"/> U		DOB <b>07-04-49</b> Exact Age or Age Range (no DOB) <b>58</b> (TO )	
Home Street # [REDACTED]		Home Street Name [REDACTED] Apt # [REDACTED] City, State, Zip <b>Danville VA 22017</b> Home Phone [REDACTED]	
Work Street # [REDACTED]		Work Street Name [REDACTED] City, State, Zip [REDACTED] Work Phone [REDACTED]	
Employer Name [REDACTED]		Occupation [REDACTED] Resident <input checked="" type="checkbox"/> R / <input type="checkbox"/> N / <input type="checkbox"/> U Country of Citizenship <b>USA</b>	
Offense # <b>01</b>	Victim # <b>01</b>	Status Date <b>05-25-08</b>	Status <input type="checkbox"/> 0 <input type="checkbox"/> 1 (E) Evidence (01) None (04) Damaged/Destroyed/Vandalized (0) Other/Victim Veh (R) Recovered (02) Burned (06) Seized/Evidence (S) Stolen (03) Counterfeited/Forged (99) Unknown
Other Jurisdiction		Location Street # Location Street Name Apt # City, State, Zip	
Value / Damage Amount	Circumstances <input type="checkbox"/> Locked <input type="checkbox"/> Unlocked <input type="checkbox"/> Other <input type="checkbox"/> Inside of the Car <input type="checkbox"/> On the Door <input type="checkbox"/> Other	Features <input type="checkbox"/> Antenna/Additional Camper Shell <input type="checkbox"/> Custom, Decal/Stickers <input type="checkbox"/> Custom, Mag Wheels <input type="checkbox"/> Custom, Murals <input type="checkbox"/> Custom, Stripes <input type="checkbox"/> Customized <input type="checkbox"/> Decorative Paint <input type="checkbox"/> Dirty <input type="checkbox"/> Faded Paint	Damage <input type="checkbox"/> Fire Damage <input type="checkbox"/> Front <input type="checkbox"/> Hood <input type="checkbox"/> Missing Parts/Access <input type="checkbox"/> Paint <input type="checkbox"/> Rear <input type="checkbox"/> Side, Right <input type="checkbox"/> Side, Left <input type="checkbox"/> Top <input type="checkbox"/> Window <input type="checkbox"/> Other
Further Description [REDACTED]			

VEHICLE

Reporting Officer's Signature: *[Signature]* PCN: **0439** Date: **5-26-08**  
 Reporting Officer's Signature: *[Signature]* PCN: **0439** Date: **5-26-08**

# Police Crash Report

If a question does not apply, enter an "X". • If an answer is unknown, enter a "U" or appropriate number • "Other" explain in crash description FR300T (Rev 9/03)

<p><b>Source of control</b></p> <ol style="list-style-type: none"> <li>No traffic control</li> <li>Officer or flagger</li> <li>Traffic signal</li> <li>Stop sign</li> <li>Slow or warning sign</li> <li>Traffic lanes marked</li> <li>No passing lines</li> <li>Yield sign</li> <li>One way road or street</li> <li>Railroad crossing with markings and signs</li> <li>Railroad crossing with signals</li> <li>Railroad crossing with gate and signals</li> <li>Other</li> <li>Pedestrian crosswalk</li> <li>Reduced speed - school zone</li> <li>Reduced speed - work zone</li> <li>Special corridor</li> </ol>	<p><b>Vehicle maneuver</b></p> <ol style="list-style-type: none"> <li>Going straight ahead</li> <li>Making right turn</li> <li>Making left turn</li> <li>Making U-turn</li> <li>Slowing or stopping</li> <li>Starting in traffic lane</li> <li>Starting from parked position</li> <li>Stopped in traffic lane</li> <li>Ran off road - right</li> <li>Ran off road - left</li> <li>Parked</li> <li>Backing</li> <li>Passing</li> <li>Changing lanes</li> <li>Other</li> <li>Entering street from parking lot</li> </ol>	<p><b>Type of collision</b></p> <ol style="list-style-type: none"> <li>Rear end</li> <li>Angle</li> <li>Head on</li> <li>Sideswipe - same direction</li> <li>Sideswipe - opposite direction</li> <li>Fixed object in road</li> <li>Train</li> <li>Non-collision</li> <li>Fixed object - off road</li> <li>Deer</li> <li>Other animal</li> <li>Pedestrian</li> <li>Bicyclist</li> <li>Motorcyclist</li> <li>Backed into</li> <li>Other</li> </ol>	
<p><b>Was traffic control working?</b></p> <p>1 Yes    2 No</p>	<p><b>Collision with fixed object</b></p> <ol style="list-style-type: none"> <li>Bank or ledge</li> <li>Trees</li> <li>Utility pole</li> <li>Fence or post</li> <li>Guard rail</li> <li>Parked vehicle</li> <li>Tunnel, bridge, underpass, culvert, etc</li> <li>Sign, traffic signal</li> <li>Impact cushioning device</li> <li>Other</li> <li>Jersey wall</li> <li>Building/structure</li> </ol>	<p><b>1st event</b></p> <p>Vehicle 1 23</p> <p><b>2nd event</b></p> <p>Vehicle 1 24</p> <p>Vehicle 2 25</p>	
<p><b>Roadway alignment</b></p> <ol style="list-style-type: none"> <li>Straight - Level</li> <li>Curve - Level</li> <li>Grade - Straight</li> <li>Grade - Curve</li> <li>Hillcrest - Straight</li> <li>Hillcrest - Curve</li> <li>Dip - Straight</li> <li>Dip - Curve</li> <li>Other</li> <li>On/Off Ramp</li> </ol>	<p><b>Driver's action</b></p> <ol style="list-style-type: none"> <li>No improper action</li> <li>Exceeded speed limit</li> <li>Exceeded safe speed but not speed limit</li> <li>Overtaking on hill</li> <li>Overtaking on curve</li> <li>Overtaking at intersection</li> <li>Improper passing of school bus</li> <li>Cutting in</li> <li>Other improper passing</li> <li>Wrong side of road - not overtaking</li> <li>Did not have right-of-way</li> <li>Following too close</li> <li>Fall to signal or improper signal</li> <li>Improper turn - wide right turn</li> <li>Improper parking location</li> <li>cut corner on left turn</li> <li>Improper turn from wrong lane</li> <li>Other improper turn</li> <li>Improper backing</li> <li>Improper start from parked position</li> <li>Disregarded officer or flagger</li> <li>Disregarded traffic signal</li> <li>Disregarded stop or yield sign</li> <li>Driver distraction</li> <li>Fail to stop at through highway - no sign</li> <li>Drive through work zone</li> <li>Fail to set out flares or flags</li> <li>Fail to dim headlights</li> <li>Driving without lights</li> <li>Improper pedestrian</li> <li>Avoiding other vehicle</li> <li>Avoiding animal</li> <li>Crowded off highway</li> <li>Hit and run</li> <li>Car ran away - no driver</li> <li>Blinded by headlights</li> <li>Other</li> <li>Avoiding object in roadway</li> <li>Elding police</li> <li>Fail to maintain proper control</li> <li>Improper passing</li> <li>Improper or unsafe lane change</li> <li>Over correction</li> </ol>	<p><b>Vehicle 1 26</b></p> <p><b>Vehicle 2 27</b></p> <p><b>Vehicle 1 28</b></p> <p><b>Vehicle 2 29</b></p> <p><b>Vehicle 1 30</b></p> <p><b>Vehicle 2 31</b></p> <p><b>Vehicle 1 32</b></p> <p><b>Vehicle 2 33</b></p>	
<p><b>Weather</b></p> <ol style="list-style-type: none"> <li>Clear</li> <li>Cloudy</li> <li>Fog</li> <li>Mist</li> <li>Rain</li> <li>Snow</li> <li>Sleet/Hail</li> <li>Smoke/Dust</li> <li>Other</li> </ol>	<p><b>Driver vision obscured</b></p> <ol style="list-style-type: none"> <li>Not obscured</li> <li>Rain, snow, etc. on windshield</li> <li>Windshield otherwise obscured</li> <li>Vision obscured by load on vehicle</li> <li>Trees, crops, etc.</li> <li>Building</li> <li>Embankment</li> <li>Sign or signboard</li> <li>Hillcrest</li> <li>Parked vehicle(s)</li> <li>Moving vehicle(s)</li> <li>Sun or headlight glare</li> <li>Other</li> <li>Blind spot</li> <li>Smoke/dust</li> <li>Stopped vehicle(s)</li> </ol>	<p><b>Type of driver distractions</b></p> <ol style="list-style-type: none"> <li>Looking at roadside incident</li> <li>Driver fatigue</li> <li>Looking at scenery</li> <li>Passenger(s)</li> <li>Radio/CD, etc</li> <li>Cell phone</li> <li>Eyes not on road</li> <li>Daydreaming</li> <li>Eating/drinking</li> <li>Adjusting vehicle controls</li> <li>Other</li> </ol>	<p><b>Condition of driver/pedestrian contributing to the crash</b></p> <ol style="list-style-type: none"> <li>No defects</li> <li>Eyesight defective</li> <li>Hearing defective</li> <li>Other body defects</li> <li>Illness</li> <li>Fatigued</li> <li>Apparently asleep</li> <li>Other</li> </ol>
<p><b>Roadway surface condition</b></p> <ol style="list-style-type: none"> <li>Dry</li> <li>Wet</li> <li>Snowy</li> <li>Icy</li> <li>Muddy</li> <li>Oil/other fluids</li> <li>Other</li> <li>Natural debris</li> <li>Roadway flooded</li> </ol>	<p><b>Driver vision obscured</b></p> <p><b>1. Not obscured</b></p> <p><b>2. Rain, snow, etc. on windshield</b></p> <p><b>3. Windshield otherwise obscured</b></p> <p><b>4. Vision obscured by load on vehicle</b></p> <p><b>5. Trees, crops, etc.</b></p> <p><b>6. Building</b></p> <p><b>7. Embankment</b></p> <p><b>8. Sign or signboard</b></p> <p><b>9. Hillcrest</b></p> <p><b>10. Parked vehicle(s)</b></p> <p><b>11. Moving vehicle(s)</b></p> <p><b>12. Sun or headlight glare</b></p> <p><b>13. Other</b></p> <p><b>14. Blind spot</b></p> <p><b>15. Smoke/dust</b></p> <p><b>16. Stopped vehicle(s)</b></p>	<p><b>Vehicle 1 34</b></p> <p><b>Vehicle 2 35</b></p> <p><b>Pedestrian 36</b></p> <p><b>Vehicle 1 37</b></p> <p><b>Vehicle 2 38</b></p> <p><b>Pedestrian 39</b></p>	
<p><b>Roadway defects</b></p> <ol style="list-style-type: none"> <li>No defects</li> <li>Holes, ruts, bumps</li> <li>Soft or low shoulder</li> <li>Under repair</li> <li>Loose material</li> <li>Restricted width</li> <li>Stick pavement</li> <li>Roadway obstructed</li> <li>Other</li> </ol>	<p><b>Light conditions</b></p> <ol style="list-style-type: none"> <li>Dawn</li> <li>Daylight</li> <li>Dusk</li> <li>Darkness - roadway lighted</li> <li>Darkness - roadway not lighted</li> </ol>	<p><b>Method of alcohol determination (by police)</b></p> <ol style="list-style-type: none"> <li>Blood</li> <li>Breath</li> <li>Refused</li> <li>No test</li> </ol>	<p><b>Vehicle 1 40</b></p> <p><b>Vehicle 2 41</b></p> <p><b>Pedestrian 42</b></p>
<p><b>Roadway defects</b></p> <ol style="list-style-type: none"> <li>No defects</li> <li>Holes, ruts, bumps</li> <li>Soft or low shoulder</li> <li>Under repair</li> <li>Loose material</li> <li>Restricted width</li> <li>Stick pavement</li> <li>Roadway obstructed</li> <li>Other</li> </ol>	<p><b>Kind of locality</b></p> <ol style="list-style-type: none"> <li>School</li> <li>Church</li> <li>Playground</li> <li>Open country</li> <li>Business/Industrial</li> <li>Residential</li> <li>Interstate/Limited access</li> <li>Other</li> <li>Bridge/Tunnel</li> <li>Parking lot</li> </ol>	<p><b>Work zone</b></p> <ol style="list-style-type: none"> <li>Active</li> <li>Inactive</li> <li>No work zone</li> <li>Unknown</li> </ol>	<p><b>Work zone - workers present</b></p> <ol style="list-style-type: none"> <li>Yes</li> <li>No</li> <li>Unknown</li> </ol>
<p><b>Surface type</b></p> <ol style="list-style-type: none"> <li>Concrete</li> <li>Blacktop, asphalt, bituminous</li> <li>Brick or block</li> <li>Slag, gravel, stone</li> <li>Dirt</li> <li>Other</li> <li>Unknown</li> </ol>	<p><b>Vehicle occupied (or pedestrian)</b></p> <ol style="list-style-type: none"> <li>Vehicle No. 1</li> <li>Vehicle No. 2</li> <li>Bicyclist</li> <li>Pedestrian</li> <li>Other</li> </ol>	<p><b>Injury type</b></p> <ol style="list-style-type: none"> <li>Dead before report made</li> <li>Visible signs of injury, as bleeding wound or distorted member or had to be carried from scene</li> <li>Other visible injury, as bruises, abrasions, swelling, limping, etc.</li> <li>No visible injury, but complaint of pain, or momentary unconsciousness.</li> </ol>	<p><b>Pedestrian actions</b></p> <ol style="list-style-type: none"> <li>Crossing at intersection - with signal</li> <li>Crossing at intersection - against signal</li> <li>Crossing at intersection - no signal</li> <li>Crossing at intersection - diagonally</li> <li>Crossing not at intersection - rural</li> <li>Crossing not at intersection - urban</li> <li>Coming from behind parked cars</li> <li>Getting off or on school bus</li> <li>Playing in roadway</li> <li>Getting off or on another vehicle</li> <li>Hitching on vehicle</li> <li>Walking in roadway with traffic - sidewalks available</li> <li>Walking in roadway with traffic - sidewalks not available</li> <li>Walking in roadway against traffic - sidewalks available</li> <li>Walking in roadway against traffic - sidewalks not available</li> <li>Working in roadway</li> <li>Standing in roadway</li> <li>Lying in roadway</li> <li>Not in roadway</li> <li>Other</li> </ol>
<p><b>Position in/on vehicle</b></p> <ol style="list-style-type: none"> <li>Driver</li> <li>2-6. Passengers</li> <li>Cargo area</li> <li>Riding/hanging on outside</li> <li>9-96 All other passengers</li> </ol>	<p><b>Safety equipment used</b></p> <ol style="list-style-type: none"> <li>No restraint used</li> <li>Lap belt only</li> <li>Shoulder belt only</li> <li>Lap and shoulder belts</li> <li>Child restraint</li> <li>Helmet</li> <li>Other</li> <li>Booster seat</li> </ol>	<p><b>Drug use</b></p> <ol style="list-style-type: none"> <li>Yes</li> <li>No</li> <li>Not reported</li> <li>Unknown</li> </ol>	<p><b>Vehicle condition</b></p> <ol style="list-style-type: none"> <li>No defects</li> <li>Lights defective</li> <li>Brakes defective</li> <li>Steering defective</li> <li>Puncture/blowout</li> <li>Worn or slick tires</li> <li>Motor trouble</li> <li>Chains in use</li> <li>Other</li> <li>Vehicle altered</li> </ol>
<p><b>Air bag</b></p> <ol style="list-style-type: none"> <li>Deployed</li> <li>Not deployed</li> <li>Unavailable</li> <li>Keyed off</li> <li>Unknown</li> </ol>	<p><b>Ejection from vehicle</b></p> <ol style="list-style-type: none"> <li>Not ejected</li> <li>Partially ejected</li> <li>Totally ejected</li> </ol>	<p><b>Skidding/tire mark</b></p> <ol style="list-style-type: none"> <li>Before application of brakes</li> <li>After application of brakes</li> <li>Before and after application of brakes</li> <li>No visible skid mark/tire mark</li> </ol>	<p><b>Vehicle damage</b></p> <ol style="list-style-type: none"> <li>Unknown</li> <li>No damage</li> <li>Overtuned</li> <li>Motor</li> <li>Undercarriage</li> <li>Totaled</li> <li>Fire</li> <li>Other</li> </ol>
<p><b>Birth date</b></p> <p>MM   DD   YYYY</p>	<p><b>Gender</b></p> <p>M/F</p>	<p><b>Vehicle 1 43</b></p> <p><b>Vehicle 2 44</b></p> <p><b>Pedestrian 45</b></p> <p><b>Vehicle 1 46</b></p> <p><b>Vehicle 2 47</b></p> <p><b>Vehicle 1 48</b></p> <p><b>Vehicle 2 49</b></p> <p><b>Vehicle 1 50</b></p> <p><b>Vehicle 2 51</b></p>	<p><b>Names of injured (If deceased give date of death)</b></p>
<p><b>EMS transport</b></p>	<p><b>Date of death</b></p> <p>MM/DD/YYYY</p>		

Photo 1: shows left side view of the 4-wheeled utility vehicle



Photo 2: shows rear side view of the utility vehicle



Photo 3: shows upper section/seating area of the vehicle



Photo 4: shows view of product information

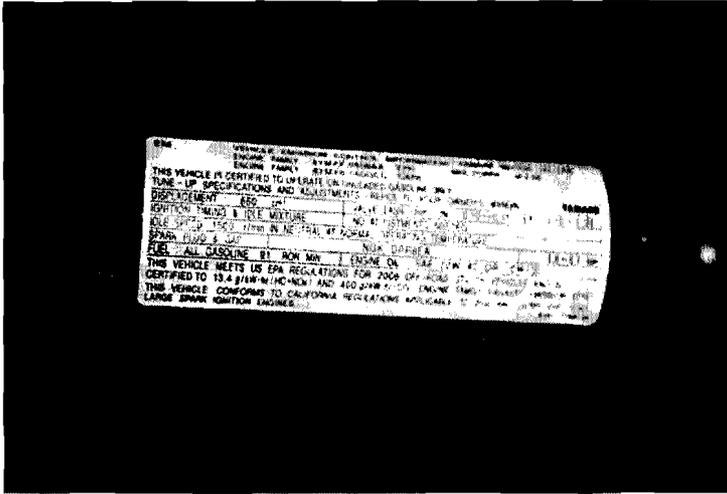


Photo 5: shows view of model and number



Photo 6: shows front rear view



Photo 7: shows inside view/manual gear



Photo 8: shows top view



Decedent is  
NON-RESIDENT  
of City/ County of Death

Commonwealth of Virginia  
Department of Health  
Office of the Chief Medical Examiner  
CENTRAL DISTRICT  
400 EAST JACKSON STREET RICHMOND, VA 23219

Case Number:  
C2008-46783

REPORT OF INVESTIGATION BY MEDICAL EXAMINER/INVESTIGATOR

Decedent [REDACTED]  
First Name Middle Name Last Name Suffix Sr, Jr, III, etc  
SSN [REDACTED]

Home Address [REDACTED]  
Number and Street City, State, Zip

Age 29 Yrs DOB 1/31/1979 Sex FEMALE Industry/ Occupation ENTERTAINMENT, DIRECTOR/PRODUCER

Race WHITE Hispanic? NO Middle Eastern NO On the Job? NO

Marital Status NEVER MARRIED

<b>REASON FOR REFERRAL TO MEDICAL EXAMINER</b>
Medical Examiner Authority <u>VIOLENT OR UNNATURAL</u>
Final Medical Examiner Authority <u>VIOLENT OR UNNATURAL</u>
If custody indicate jurisdiction _____

Scene Visit N  
By \_\_\_\_\_

Retrospective Review N

Notification by DR. IGLESIAS Official Title MD

Address MEDICAL COLLEGE OF VIRGINIA Phone (804) 828-0951

Police Notified (Y/N/NA) YES Investigator DEP. TILLEY Phone (804) 537-6110

Address \_\_\_\_\_ Jurisdiction HANOVER

	DATE (MM/DD/YY)	TIME (24h)	LOCATION	CITY/ COUNTY	BY WHOM
LAST SEEN ALIVE	5/25/2008	20:08	VCU MC	RICHMOND CITY, VA	DOCTOR, DOCTOR
EVENT/ INJURY ACUTE ILLNESS	5/25/2008	17:55	DEAD END OF BULLFIELD RD	HANOVER COUNTY, VA	FRIENDS, FRIEND
FOUND	5/25/2008	UNKNOWN	DEAD END OF BULLFIELD RD	HANOVER COUNTY, VA	FRIEND, FRIEND
DEATH/ PRONOUNCED	5/25/2008	20:08	VCU MC	RICHMOND CITY, VA	DR IGLESIAS
VIEW OF BODY	5/26/2008	13:20	400 E. Jackson St	Richmond City , VA	Dr Fulcher

<b>Cause of Death:</b> <b>BLUNT FORCE TRAUMA</b>	Autopsy (Y/N): <u>N</u>
	Authorized by _____
	Pathologist _____
	Autopsy No _____
<b>Manner of Death:</b> <b>ACCIDENT</b>	Location _____

I hereby declare that after receiving notice of the death described herein I took charge of the body and made inquiries regarding the cause and manner of death in accordance with § 32.1-283, Code of Virginia, and that the information contained herein regarding such death is correct to the best of my knowledge and belief.

8/29/08 RICHMOND CITY  
Date City or County of Appointment  
Signature of Medical Examiner/ Investigator (circle one)  
FADDELL, SUZANNE

MEANS OF DEATH

CATEGORY VEHICULAR

DETAIL ALL TERRAIN VEHICLE

Vehicle Status PASSENGER FRONT Decedent vehicle type: \_\_\_\_\_

Airbag equipped/ deployed: N / \_\_\_\_\_

How injury occurred (e.g. auto/truck collision) LOST CONTROL ON ATV THAT FLIPPED, EJECTED DECEDENT & LANDED ON TOP OF HER

Skid marks? N \_\_\_\_\_ Speeding a factor? \_\_\_\_\_ Weather related? N \_\_\_\_\_ Resulted in drowning of decedent? \_\_\_\_\_

Resulted in fire? \_\_\_\_\_

Firearm type: \_\_\_\_\_ Firearm serial number: \_\_\_\_\_

Instrument type: \_\_\_\_\_ Instrument description: \_\_\_\_\_

Floation device/ type?: / \_\_\_\_\_ Boating activity/ description?: / \_\_\_\_\_

Swimmer? \_\_\_\_\_ Result of MVA? \_\_\_\_\_

Result of MVA? \_\_\_\_\_ Fire suspected cause: \_\_\_\_\_ Smoke detector/ operational? / \_\_\_\_\_

Fall/Jump from: \_\_\_\_\_ To: \_\_\_\_\_ Approximate distance: ft \_\_\_\_\_

SURVEILLANCE CIRCUMSTANCES FOR DEATH (check all that apply)

- Adult Care/Nursing Home
- Child Abuse/ Neglect
- Child Care Facility
- Domestic Violence
- Pregnancy within 1 year
- Drug-Related Scene
- Elder Abuse/ Neglect
- Feticide
- Gang-related
- Sports/ Recreation
- Hunting Incident
- Homicide followed by Suicide (or attempted homicide/ suicide with survivor)
- Police Encounter
- Suspected Terrorism/ Bioterrorism

DESCRIPTION OF PREMISES

INJURY/ACUTE ILLNESS	OUTSIDE VEHICLE ADJACENT TO ROADWAY			
	INSIDE/ OUTSIDE	CATEGORY	DETAIL	ROOM (If applicable)
DEATH	INSIDE MEDICAL INSTITUTION HOSPITAL DOA			
	INSIDE/ OUTSIDE	CATEGORY	DETAIL	ROOM (If applicable)
FOUND	OUTSIDE VEHICLE ADJACENT TO ROADWAY			
	INSIDE/ OUTSIDE	CATEGORY	DETAIL	ROOM (If applicable)

MEDICAL HISTORY

- none known  unknown
- alcoholism  asthma  cancer  cirrhosis  CVA  COPD  diabetes  dementia  depression
- drug abuse \_\_\_\_\_  hepatitis  hip fracture  hypertension  ischemic heart disease
- mental illness \_\_\_\_\_  seizure disorder  smoking
- recent trauma (specify \_\_\_\_\_)  organ/ tissue donor other \_\_\_\_\_
- Suspected SIDS - Position when laid down \_\_\_\_\_ Position when found \_\_\_\_\_

Med-X Criteria (Bioterrorism)  acute flaccid paralysis  diarrhea  encephalopathy/ seizures  fever  jaundice  rash

unexplained death < 50 years old  Other: \_\_\_\_\_

Treating MD \_\_\_\_\_ Phone# \_\_\_\_\_

Hospitalizations (when/where)

Medications

Tox requested: YES

**Narrative Description of Circumstances Surrounding Death:**

(Describe the who, what, where, when and how the death occurred.)

At 2128 hours, May 25, 2008, Dr. Iglesias, VCU MC, called to report the death of this 29 year old asian female. Additional information was provided by Dep. Tilley, Hanover SO CRASH Team. The following information was provided:

The decedent was driving an ATV when she lost control, causing it to flip on top of her. She was transported via med flight to VCU MC where she underwent surgery for a lacerated liver. She expired during surgery. The decedent also suffered a fractured pelvis and probable spinal cord injury. She was not wearing a helmet at the time of the accident.

Admission blood reserved. MR#139495

The decedent will receive an external examination by Dr. Abrenio at VCU MC



Commonwealth of Virginia

DEPARTMENT OF FORENSIC SCIENCE

ORIGINAL

CERTIFICATE OF ANALYSIS

Central Laboratory  
700 North 5th Street  
Richmond, VA 23219

June 20, 2008

Tel No : (804) 786-4707  
Fax: (804) 786-6857

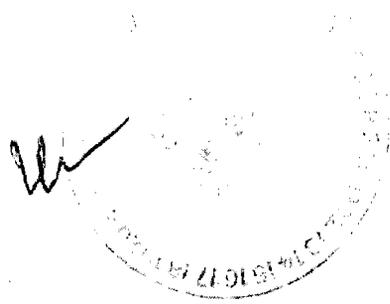
TO: JAMES FULCHER, M.D.  
OFFICE OF THE CHIEF MEDICAL EXAMINER  
400 EAST JACKSON STREET  
RICHMOND, VA 23219

FS Lab # C08-8435

Your Case #: ---

Victim(s): [REDACTED]

Suspect(s): ---



Evidence Submitted By: Mark Baggett

Date Received: 05/27/2008

Item TX1 Two (2) vials of subclavian blood  
Item TX2 One (1) vial of vitreous

RESULTS:

- Subclavian Blood:
- Ethanol 0.14% by weight by volume
  - Methanol, acetone, isopropanol not detected
  - Opiates not detected
  - Methamphetamine/MDMA not detected
  - Phencyclidine not detected
  - Methadone not detected
  - Fentanyl not detected
  - Benzodiazepines not detected
  - Carisoprodol/meprobamate not detected
  - Barbiturates not detected
  - Zolpidem not detected
  - Cocaine not detected
  - Benzoyllecgonine(cocaine metabolite) 0.11 mg/L
  - Tetrahydrocannabinol 0.005 mg/L
  - THC Carboxylic Acid 0.01 mg/L
- Vitreous:
- Ethanol 0.19% by weight by volume
  - Methanol, acetone, isopropanol not detected



Commonwealth of Virginia

**DEPARTMENT OF FORENSIC SCIENCE**

ORIGINAL

**CERTIFICATE OF ANALYSIS**

Office of the Chief Medical Examiner  
FS Lab # C08-8435  
Your Case # ---  
June 20, 2008

Attest:

I certify that I performed the above analysis or examination as an employee of the Department of Forensic Science and that the above is an accurate record of the results of that analysis or examination.

A handwritten signature in black ink, appearing to read "Leslie E. Edinboro".

Leslie E Edinboro, MS, Ph.D.  
Forensic Toxicologist

lee/pth  
Handwritten initials "lee/pth" with a small flourish below the "h".

CONTACT INFORMATION:

Contacted on 1/15/09

Hanover County Sheriff/Police  
7522 County Complex Rd  
Hanover, VA 23069  
(804)365-6110

Office of the Chief Medical Examiner  
400 E Jackson Street  
Richmond, VA 23219  
(804)786-3174

1. Task Number 090106HWE7951		2. Investigator's ID 9011		<b>EPIDEMIOLOGIC INVESTIGATION REPORT</b>
3. Office Code 840	4. Date of Accident YR MO DAY 2008 11 25	5. Date Initiated YR MO DAY 2009 01 06		
6. Synopsis of Accident or Complaint UPC A 41-year-old female victim lost control of her utility vehicle as she was traversing down a very steep embankment at a OHV Park. The victim's utility vehicle rolled several times down a steep descending grade and the she lost control and was ejected as she went down a 400-foot embankment. She was the only person in the utility vehicle. She was not wearing a helmet, seat belts or harness. The victim died at the scene. The utility was destroyed.  <b>MFR/PRVLBR NOTIFIED</b> 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>254, 6</u> <input checked="" type="checkbox"/> DO NOT RE-NOTIFY <input type="checkbox"/> RE-NOTIFY <i>ju 5/8/09</i>				
7. Location (Home, School, etc) 9 - SPORTS OR RECREATION PLACE		8. City JAWBONE		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 41	13. Sex 2 - Female	14. Disposition 8 - Death	15. Injury Diagnosis 71 - Other	
16. Body Part(s) Involved 85 - ALL OF BODY	17. Respondent 3 - 2nd Hand Info Only	18. Type of Investigation 1 - On-Site	19. Time Spent (Operational / Travel) 7 / 2	
20. Attachment(s) 9 - Multiple Attachments		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 01/30/2009	25. Reviewed By 9086		26. Regional Office Director Frank J. Nava	
27. Distribution Vega-Garcia, Sandra; Topka, Tanya; Streeter, Robin			28. Source Document Number N0910060A	

090106HWE7951

This investigation originated from a news article. There were two drivers (mother and daughter) and their two vehicles that were traveling in the same group. They were involved in two separate accidents that occurred only "seconds" apart on the same embankment. Both accidents are being conducted under two IDI's. (Other IDI is 081204CCC3175).

Information for this report was obtained by an on-site visit to the Off Highway Vehicle (OHV) Park, to the responding highway patrol office and by talking to a witness to the accident at the OHV Park. Attempts to contact the family of the victim were unsuccessful.

On December 31, 2008, I conducted an on-site visit and photographed the incident location. The incident vehicle was not available for photographing.

The product involved in this incident is a side-by-side utility vehicle (UTV) with four wheels. The UTV has a steering wheel, accelerator pedal, brake pedal, harness and seat belt. The driver was the only person in the UTV.

The victim is a 41 year old female. According to the highway patrol report, she was the driver of the UTV. She was 5'5" tall and weighed 140 pounds. The victim is not believed to have been under the influence of any alcohol, drugs or medications at the time of the incident. Nor is she known to have any pre-existing physical or mental conditions that might have contributed to the incident. Her experience and training on a UTV is unknown.

The accident occurred at the Jawbone Canyon OHV Park which is managed by the Bureau of Land Management (BLM). The park provides open areas which are available for all forms of cross country motorized vehicle use. The park has many large hills and canyons and are part of the Mojave desert, located at the extreme eastern edge of the Sierra Nevada.

The victim and her family were camping in the Dove Springs area of the OHV Park. On November 25, 2008 around noontime, the victim and 3 other family members decided to take their UTV's to visit the one store in the area, which was located on the major highway. The weather was cloudy and dry. The victim was not wearing a helmet nor was she wearing the 5 way latch / link restraint system. The group of took 4 separate UTV's. The group took the off highway trails. On the way back from the store, the group was driving in a line following each other when they got lost returning to their campsite. They were traveling on top of a mountain and came upon an area where the trail became a steep descending grade.

The first UTV driver (witness #1) stated the victim was directly behind the second UTV which happened to be her 16 year old daughter. Witness #1 started down the steep grade and made it to the bottom when he stopped. He then saw the next UTV (victim's daughter) had already started down the steep embankment. The victim was still at the top of the hill watching her daughter descent down the hill. The victim watched as her daughter lost control as she traversed down the steep embankment, rolling her UTV and being ejected out. Witnesses heard the victim scream and then at 1356 hours she began her descent down the embankment. Witnesses stated that about 200 feet into the approximate 600 foot descent, the victim lost control and her UTV started rolling over and over, side to side. The victim was ejected out of the UTV and continued to tumble down the hillside. Both the victim and the UTV came to rest at the bottom of the hillside.

An unrelated witness who was standing at the base of the embankment near his campsite heard a woman screaming and he looked up to see the first UTV that the victim's daughter was driving, tumbling down the steep grade, end over end and disintegrate apart and the victim's daughter being ejected out of the UTV. He then realized the screaming women at the top of the mountain began her descent as the daughter was still rolling violently down the embankment. The witness stated the victim lost control of her UTV at almost the same location as her daughter, her UTV went sideways a little and started rolling over and over sideways and then front to back. The victim was ejected and she also violently rolled down the embankment at least a couple hundred feet.

The victim received fatal injuries as a result of the accident and was pronounced deceased by the responding emergency personnel at approximately 1410 hours. The UTV was totally destroyed in the roll-over accident.

#### PRODUCT IDENTIFICATION:

The product involved in this incident is a 2007 Yamaha Rhino. It is a side-by-side utility vehicle. It is purple and silver in color. The date of purchase is unknown and the usage is unknown. It is unknown if the owner had any previous problems with the UTV.

Manufacturer: Yamaha Motor Corporation  
6555 Katella Ave.  
Cypress, CA 90630

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Page 3

**LABELING:**

As the incident UTV was unavailable for viewing, no examination of the labeling was possible.

**SAMPLE:**

None

**CONTACTS:**

**PURPOSE & RESULTS:**

Highway Patrol:      Obtained incident scenario & product information

BLM:                      Obtained incident scenario information

Witness:                 Obtained incident scenario information

**Attachments:**

- Exhibit #1      Respondent Identifiers
- Exhibit #2      CHP Report
- Exhibit #3      BLM Visitor Information on OHV Park
- Exhibit #4      Manufacturer specifications on ATV
- Exhibit #5      Photographs
- Exhibit #6      UTV Questionnaire  
Missing Document Form

090106HWE7951

Exhibit #1

Page 1 of 1

Respondent Identifiers:

Victim:

 (Deceased)  
 St.

Highway Patrol:

California Highway Patrol  
1365 Highway 58  
Mojave, CA 93501  
Telephone: 661-824-2408  
Traffic Report #2008-11-0039

BLM:

Bureau of Land Management  
Ridgecrest Field Office  
300 South Richmond Rd.  
Richmond, CA 93555  
Telephone (760) 384-5400

BLM:

Jawbone Station  
28111 Jawbone Canyon Rd.  
Cantil, CA 93519

Coroner:

Kern County Sheriff's Office  
1832 Flower St., Bakersfield, CA 93305  
Telephone: 661-868-0100  
Fax: 661-868-0147  
Case #C-2603-08  
Contact: Deputy Coroner Mancera

Witness:



TRAFFIC COLLISION REPORT  
CHP 555 CARS PAGE 1 (REV 11-06) OPI 065

2710

SPECIAL CONDITIONS <i>OFF-HWY</i>		NUMBER INJURED 0	HIT & RUN FELONY <input type="checkbox"/>	CITY UNINCORPORATED	JUDICIAL DISTRICT EKSC (MOJAVE)	LOCAL REPORT NUMBER 2008-11-0040	
NUMBER KILLED 1		HIT & RUN MISDEMEANOR <input type="checkbox"/>	COUNTY KERN	REPORTING DISTRICT	BEAT 906	DAY OF WEEK TUESDAY	TOW AWAY <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO

LOCATION	COLLISION OCCURRED ON: JAWBONE OFF HWY AREA			MO 11/25/2008	DAY	YEAR	TIME (2400) 1356	NCIC # 9830	OFFICER I.D. 012724
	MILEPOST INFORMATION:			GPS COORDINATES LATITUDE 35.1873° LONGITUDE - 118.0340°				PHOTOGRAPHS BY: <input type="checkbox"/> NONE J. BLAIS # 17064	
	AT INTERSECTION WITH: <input checked="" type="checkbox"/> OR 3.9 MILE(S) WEST OF SR-14			STATE HWY REL <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		DIGITAL			

PARTY 1	DRIVER'S LICENSE NUMBER N/A	STATE	CLASS	AIR BAG P	SAFETY EQUIP. II	VEH. YEAR 2007	MAKE / MODEL / COLOR YAMA RHINO PUR/SIL	LICENSE NUMBER 54F37F	STATE CA
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DRIVER <input checked="" type="checkbox"/>	NAME (FIRST, MIDDLE, LAST) [REDACTED]	OWNER'S NAME <input type="checkbox"/> SAME AS DRIVER
---	--	---

PEDESTRIAN <input type="checkbox"/>	STREET ADDRESS [REDACTED]	OWNER'S ADDRESS <input type="checkbox"/> SAME AS DRIVER
--	------------------------------	--

PARKED VEHICLE <input type="checkbox"/>	CITY / STATE / ZIP CLOVIS CA 93612	DISPOSITION OF VEHICLE ON ORDERS OF: <input type="checkbox"/> OFFICER <input type="checkbox"/> DRIVER <input checked="" type="checkbox"/> OTHER
--	---------------------------------------	--

BICYCLIST <input type="checkbox"/>	SEX F	HAIR BRO	EYES BLU	HEIGHT 5-5	WEIGHT 140	BIRTHDATE MO 08/13/1967 DAY YEAR	RACE II	PRIOR MECH. DEFECTS <input checked="" type="checkbox"/> NONE APP. <input type="checkbox"/> REFER TO NARRATIVE
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OTHER <input type="checkbox"/>	HOME PHONE [REDACTED]	BUSINESS PHONE	VEHICLE IDENTIFICATION NUMBER:
-----------------------------------	--------------------------	----------------	--------------------------------

INSURANCE CARRIER N/A	POLICY NUMBER N/A	VEHICLE TYPE 06	DESCRIBE VEHICLE DAMAGE <input type="checkbox"/> UNK <input type="checkbox"/> NONE <input type="checkbox"/> MINOR <input checked="" type="checkbox"/> MAJOR <input checked="" type="checkbox"/> ROLL-OVER	SHADE IN DAMAGED AREA [REDACTED]
DIR OF TRAVEL ON STREET OR HIGHWAY N OFF HWY AREA	SPEED LIMIT N/A	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
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DRIVER <input type="checkbox"/>	NAME (FIRST, MIDDLE, LAST)	OWNER'S NAME <input type="checkbox"/> SAME AS DRIVER
------------------------------------	----------------------------	---

PEDESTRIAN <input type="checkbox"/>	STREET ADDRESS	OWNER'S ADDRESS <input type="checkbox"/> SAME AS DRIVER
--	----------------	--

PARKED VEHICLE <input type="checkbox"/>	CITY / STATE / ZIP	DISPOSITION OF VEHICLE ON ORDERS OF: <input type="checkbox"/> OFFICER <input type="checkbox"/> DRIVER <input type="checkbox"/> OTHER
--	--------------------	---

BICYCLIST <input type="checkbox"/>	SEX	HAIR	EYES	HEIGHT	WEIGHT	BIRTHDATE MO DAY YEAR	RACE	PRIOR MECHANICAL DEFECTS <input type="checkbox"/> NONE APP. <input type="checkbox"/> REFER TO NARRATIVE
---------------------------------------	-----	------	------	--------	--------	--------------------------	------	--

OTHER <input type="checkbox"/>	HOME PHONE	BUSINESS PHONE	VEHICLE IDENTIFICATION NUMBER:
-----------------------------------	------------	----------------	--------------------------------

INSURANCE CARRIER	POLICY NUMBER	VEHICLE TYPE	DESCRIBE VEHICLE DAMAGE <input type="checkbox"/> UNK <input type="checkbox"/> NONE <input type="checkbox"/> MINOR <input type="checkbox"/> MAJOR <input type="checkbox"/> ROLL-OVER	SHADE IN DAMAGED AREA
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 <input type="checkbox"/>	NAME (FIRST, MIDDLE, LAST)	OWNER'S NAME <input type="checkbox"/> SAME AS DRIVER
------------------------------------	----------------------------	---

PEDESTRIAN <input type="checkbox"/>	STREET ADDRESS	OWNER'S ADDRESS <input type="checkbox"/> SAME AS DRIVER
--	----------------	--

PARKED VEHICLE <input type="checkbox"/>	CITY / STATE / ZIP	DISPOSITION OF VEHICLE ON ORDERS OF: <input type="checkbox"/> OFFICER <input type="checkbox"/> DRIVER <input type="checkbox"/> OTHER
--	--------------------	---

BICYCLIST <input type="checkbox"/>	SEX	HAIR	EYES	HEIGHT	WEIGHT	BIRTHDATE MO DAY YEAR	RACE	PRIOR MECHANICAL DEFECTS <input type="checkbox"/> NONE APP. <input type="checkbox"/> REFER TO NARRATIVE
---------------------------------------	-----	------	------	--------	--------	--------------------------	------	--

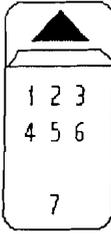
OTHER <input type="checkbox"/>	HOME PHONE	BUSINESS PHONE	VEHICLE IDENTIFICATION NUMBER:
-----------------------------------	------------	----------------	--------------------------------

INSURANCE CARRIER	POLICY NUMBER	VEHICLE TYPE	DESCRIBE VEHICLE DAMAGE <input type="checkbox"/> UNK <input type="checkbox"/> NONE <input type="checkbox"/> MINOR <input type="checkbox"/> MAJOR <input type="checkbox"/> ROLL-OVER	SHADE IN DAMAGED AREA
DIR OF TRAVEL ON STREET OR HIGHWAY	SPEED LIMIT	CA _____ DOT _____	CAL-T _____ TCP/PSC _____ MC/MX _____	

PREPARED BY D. F. MULLIGAN JR 012724	DISPATCH NOTIFIED <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A	REVIEWER'S NAME [Signature]	DATE REVIEWED 12-08-08
---	---	--------------------------------	---------------------------

DATE OF COLLISION (MO. DAY YEAR) 11/25/2008	TIME(2400) 1356	NCIC # 9830	OFFICER I.D. 012724	NUMBER 2008-11-0040
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<b>PROPERTY DAMAGE</b>	OWNER DESCRIPTION OF DAMAGE	OWNER ADDRESS	NOTIFIED <input type="checkbox"/> YES <input type="checkbox"/> NO
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<b>SEATING POSITION</b>  <p>1 - DRIVER                  2 TO 6 - PASSENGERS                  7 - STA. WGN REAR                  8 - RR. OCC TRK. OR VAN                  9 - POSITION UNKNOWN                  0 - OTHER</p>	<b>SAFETY EQUIPMENT</b> 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	<b>INATTENTION CODES</b> 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 (#) OF PARTY AT FAULT	TRAFFIC CONTROL DEVICES	1	2	3	SPECIAL INFORMATION	1	2	3	MOVEMENT PRECEDING COLLISION
1 A VC SECTION VIOLATED: CITED 38312 <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	A CONTROLS FUNCTIONING				A HAZARDOUS MATERIAL				A STOPPED
B OTHER IMPROPER DRIVING*	B CONTROLS NOT FUNCTIONING*				B CELL PHONE HANDHELD IN USE		X		B PROCEEDING STRAIGHT
C OTHER THAN DRIVER*	C CONTROLS OBSCURED				C CELL PHONE HANDSFREE IN USE				C RAN OFF ROAD
D UNKNOWN*	D NO CONTROLS PRESENT / FACTOR*			X	D CELL PHONE NOT IN USE				D MAKING RIGHT TURN
	TYPE OF COLLISION				E SCHOOL BUS RELATED				E MAKING LEFT TURN
	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
	E HIT OBJECT				J				J CHANGING LANES
	F OVERTURNED				K				K PARKING MANEUVER
	G VEHICLE / PEDESTRIAN				L				L ENTERING TRAFFIC
	H OTHER*				M				M OTHER UNSAFE TURNING
					N				N XING INTO OPPOSING LANE
					O				O PARKED
					P				P MERGING
					Q				Q TRAVELING WRONG WAY
					R				R OTHER*
					OTHER ASSOCIATED FACTORS (MARK 1 TO 2 ITEMS)				
					A VC SECTION VIOLATED: CITED <input type="checkbox"/> YES <input type="checkbox"/> NO				
					B VC SECTION VIOLATED: CITED <input type="checkbox"/> YES <input type="checkbox"/> NO				
					C VC SECTION VIOLATED: CITED <input type="checkbox"/> YES <input type="checkbox"/> NO				
					D				SOBRIETY - DRUG PHYSICAL (MARK 1 TO 2 ITEMS)
					E VISION OBSCUREMENT:				A HAD NOT BEEN DRINKING
					F INATTENTION*:				B HBD - UNDER INFLUENCE
					G STOP & GO TRAFFIC				C HBD - NOT UNDER INFLUENCE*
					H ENTERING / LEAVING RAMP				D HBD - IMPAIRMENT UNKNOWN*
					I PREVIOUS COLLISION				E UNDER DRUG INFLUENCE*
					J UNFAMILIAR WITH ROAD			X	F IMPAIRMENT - PHYSICAL*
					K DEFECTIVE VEH. EQUIP.: CITED <input type="checkbox"/> YES <input type="checkbox"/> NO				G IMPAIRMENT NOT KNOWN
					L UNINVOLVED VEHICLE				H NOT APPLICABLE
					M OTHER*:				I SLEEPY / FATIGUED
					N NONE APPARENT				
					O RUNAWAY VEHICLE				

SKETCH FOR SKETCH DIAGRAM, SEE PAGE 5



MISCELLANEOUS

P-1 WAS NOT WEARING A HELMET AT THE TIME OF THE COLLISION.

DATE OF COLLISION (MO. DAY YEAR) 11/25/2008				TIME(2400) 1356		NCIC # 9830		OFFICER I.D. 012724			NUMBER 2008-11-0040							
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.	BICYCLIST	OTHER						
<input type="checkbox"/> #	<input type="checkbox"/>	41	F	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	1	1	P	H	I
NAME / D.O.B. / ADDRESS ██████████ EL (08/13/1967) 136 GETTYSBURG ST CLOVIS CA 93612													TELEPHONE (559)645-1632					
(INJURED ONLY) TRANSPORTED BY: KERN COUNTY CORONERS OFFICE								TAKEN TO: KERN COUNTY CORONERS OFFICE										
DESCRIBE INJURIES: RECEIVED FATAL INJURIES AS A RESULT OF THIS COLLISION. PRONOUNCED DECEASED BY KCFD FIREFIGHTER SHANE REED # K0684 @ APPROX 1412 HRS, KERN COUNTY CORONERS CASE # C2602-08, CORNER MANCERA #920.																		
													<input type="checkbox"/> VICTIM OF VIOLENT CRIME NOTIFIED					
<input checked="" type="checkbox"/> # 1	<input type="checkbox"/>	32	M	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>					
NAME / D.O.B. / ADDRESS ██████████													TELEPHONE ██████████					
(INJURED ONLY) TRANSPORTED BY:								TAKEN TO:										
DESCRIBE INJURIES:																		
													<input type="checkbox"/> VICTIM OF VIOLENT CRIME NOTIFIED					
<input checked="" type="checkbox"/> # 2	<input type="checkbox"/>	62	M	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>					
NAME / D.O.B. / ADDRESS ██████████													TELEPHONE ██████████					
(INJURED ONLY) TRANSPORTED BY:								TAKEN TO:										
DESCRIBE INJURIES:																		
													<input type="checkbox"/> VICTIM OF VIOLENT CRIME NOTIFIED					
<input checked="" type="checkbox"/> # 3	<input type="checkbox"/>	60	F	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>					
NAME / D.O.B. / ADDRESS ██████████													TELEPHONE ██████████					
(INJURED ONLY) TRANSPORTED BY:								TAKEN TO:										
DESCRIBE INJURIES:																		
													<input type="checkbox"/> VICTIM OF VIOLENT CRIME NOTIFIED					
<input checked="" type="checkbox"/> # 4	<input type="checkbox"/>	33	M	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>					
NAME / D.O.B. / ADDRESS ██████████													TELEPHONE ██████████					
(INJURED ONLY) TRANSPORTED BY:								TAKEN TO:										
DESCRIBE INJURIES:																		
													<input type="checkbox"/> VICTIM OF VIOLENT CRIME NOTIFIED					
<input checked="" type="checkbox"/> # 5	<input type="checkbox"/>	51	M	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>					
NAME / D.O.B. / ADDRESS ██████████													TELEPHONE ██████████					
(INJURED ONLY) TRANSPORTED BY:								TAKEN TO:										
DESCRIBE INJURIES:																		
													<input type="checkbox"/> VICTIM OF VIOLENT CRIME NOTIFIED					
PREPARER'S NAME D. F. MULLIGAN JR				I.D. NUMBER 012724		MO. DAY YEAR 11/25/2008			REVIEWER'S NAME					MO. DAY YEAR				

DATE OF COLLISION (MO. DAY YEAR) 11/25/2008		TIME(2400) 1356	NCIC # 9830	OFFICER I.D. 012724	NUMBER 2008-11-0040
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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	COMPLAIN OF PAIN	DRIVER	PASS.	PED.	BICYCLIST	OTHER					
<input checked="" type="checkbox"/> # 6	<input type="checkbox"/>	31	M	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>					

NAME / D.O.B. / ADDRESS \_\_\_\_\_ TELEPHONE \_\_\_\_\_

(INJURED ONLY) TRANSPORTED BY: \_\_\_\_\_ TAKEN TO: \_\_\_\_\_

DESCRIBE INJURIES: \_\_\_\_\_

VICTIM OF VIOLENT CRIME NOTIFIED

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

NAME / D.O.B. / ADDRESS \_\_\_\_\_ TELEPHONE \_\_\_\_\_

(INJURED ONLY) TRANSPORTED BY: \_\_\_\_\_ TAKEN TO: \_\_\_\_\_

DESCRIBE INJURIES: \_\_\_\_\_

VICTIM OF VIOLENT CRIME NOTIFIED

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

NAME / D.O.B. / ADDRESS \_\_\_\_\_ TELEPHONE \_\_\_\_\_

(INJURED ONLY) TRANSPORTED BY: \_\_\_\_\_ TAKEN TO: \_\_\_\_\_

DESCRIBE INJURIES: \_\_\_\_\_

VICTIM OF VIOLENT CRIME NOTIFIED

<input type="checkbox"/> #	<input type="checkbox"/>		<input type="checkbox"/>													
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NAME / D.O.B. / ADDRESS \_\_\_\_\_ TELEPHONE \_\_\_\_\_

(INJURED ONLY) TRANSPORTED BY: \_\_\_\_\_ TAKEN TO: \_\_\_\_\_

DESCRIBE INJURIES: \_\_\_\_\_

VICTIM OF VIOLENT CRIME NOTIFIED

<input type="checkbox"/> #	<input type="checkbox"/>		<input type="checkbox"/>													
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NAME / D.O.B. / ADDRESS \_\_\_\_\_ TELEPHONE \_\_\_\_\_

(INJURED ONLY) TRANSPORTED BY: \_\_\_\_\_ TAKEN TO: \_\_\_\_\_

DESCRIBE INJURIES: \_\_\_\_\_

VICTIM OF VIOLENT CRIME NOTIFIED

<input type="checkbox"/> #	<input type="checkbox"/>		<input type="checkbox"/>													
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NAME / D.O.B. / ADDRESS \_\_\_\_\_ TELEPHONE \_\_\_\_\_

(INJURED ONLY) TRANSPORTED BY: \_\_\_\_\_ TAKEN TO: \_\_\_\_\_

DESCRIBE INJURIES: \_\_\_\_\_

VICTIM OF VIOLENT CRIME NOTIFIED

PREPARER'S NAME D. F. MULLIGAN JR	I.D. NUMBER 012724	MO. DAY YEAR 11/25/2008	REVIEWER'S NAME	MO. DAY YEAR
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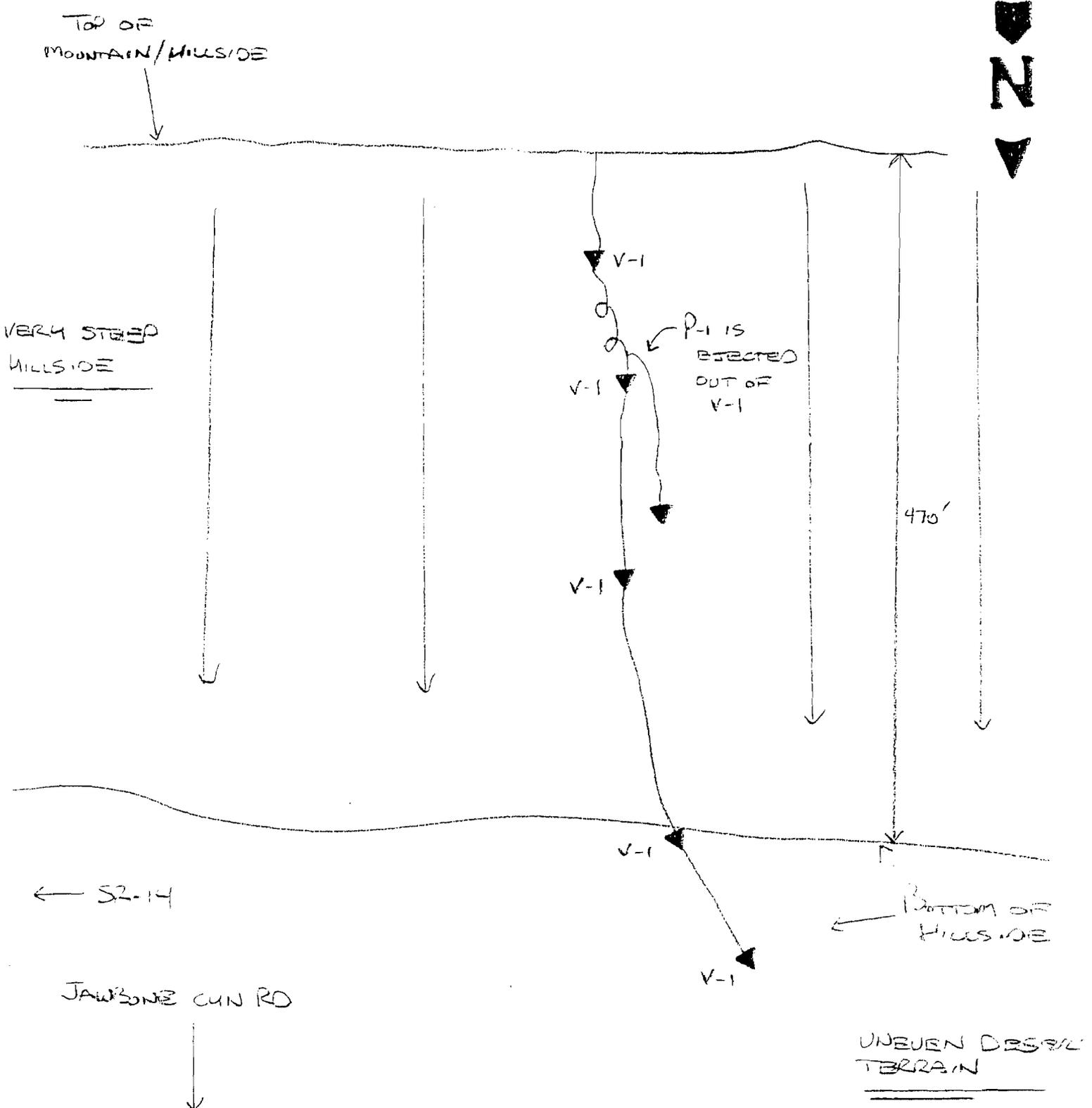
STATE OF CALIFORNIA  
**SKETCH DIAGRAM**

CHP 555 Page 40 (Rev. 8-97) OPI 042

PAGE 5 OF 13

DATE OF INCIDENT 11/25/2008	TIME 1356	NCIC NUMBER 9830	OFFICER I.D. 012724	NUMBER 2008-11-0040
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ALL MEASUREMENTS ARE APPROXIMATE AND NOT TO SCALE UNLESS STATED (SCALE= )



PREPARED BY D. F. MULLIGAN JR	I.D NUMBER 012724	DATE 11/25/2008	REVIEWER'S NAME	DATE
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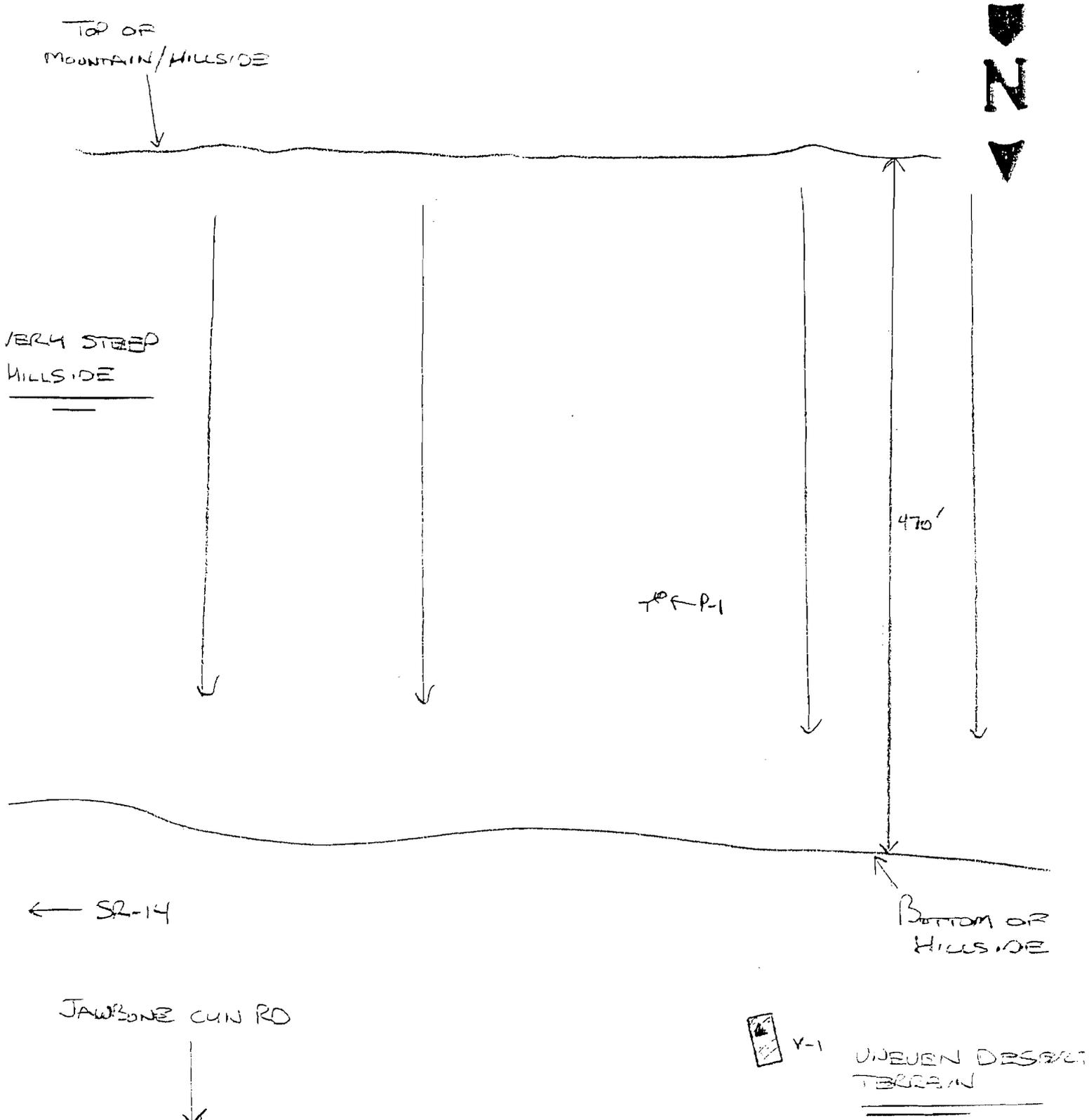
STATE OF CALIFORNIA  
**FACTUAL DIAGRAM**

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

PAGE 6 OF 13

DATE OF INCIDENT 11/25/2008	TIME 1356	NCIC NUMBER 9830	OFFICER I.D. 012724	NUMBER 2008-11-0040
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ALL MEASUREMENTS ARE APPROXIMATE AND NOT TO SCALE UNLESS STATED (SCALE= )



PREPARED BY D. F. MULLIGAN JR	I.D. NUMBER 012724	DATE 11/25/2008	REVIEWER'S NAME	DATE
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DATE OF INCIDENT	TIME	NCIC NUMBER	OFFICER I.D.	NUMBER
11/25/2008	1356	9830	012724	2008-11-0040

**LEGEND**

1

2

**VEHICLE POINT OF REST:**

4

5 V-1's R/F tire was 850' south of the south rdwy edge of Jawbone Cyn Rd and 250' east of GPS  
6 coordinate 35.1873 / 118.0340.

7

8 V-1's R/R tire was 845' south of the south rdwy edge of Jawbone Cyn Rd and 248' east of GPS  
9 coordinate 35.1873 / 118.0340.

10

**P-1'S PLACE OF REST:**

12

13 P-1's place of rest was determined to be 1180' south of the south rdwy edge of Jawbone Cyn Rd  
14 and 355' east of GPS coordinate 35.1873 / 118.0340.

15

**PHYSICAL EVIDENCE AND LOCATION:**

17

18 Due to the steepness of the grade, and the roughness of the terrain where P-1 and V-1 overturned  
19 I was unable to actually check the area for fresh dirt impressions or disturbed dirt. I determined the  
20 approximate location where V-1 started overturning by using the statements of all the witnesses.

21

22

23

24

25

26

27

28

PREPARED BY	I.D. NUMBER	DATE	REVIEWER'S NAME	DATE
D. F. MULLIGAN JR	012724	11/25/2008		

DATE OF INCIDENT	TIME	NCIC NUMBER	OFFICER I.D.	NUMBER
11/25/2008	1356	9830	012724	2008-11-0040

1 **FACTS:**

2

3 **NOTIFICATION:**

4

5 I received a call of a collision (off hwy) with an ambulance rolling at 1401 hrs. I was advised that  
6 two "rhino's" (off hwy / all terrain vehicles) were involved. I responded from the Mojave CHP office,  
7 and arrived on scene at 1417 hrs. Upon arriving at the scene, I learned that both drivers and  
8 vehicles were traveling in the same group, however they were involved in two separate collisions  
9 that occurred only "seconds" apart.

10

11 All speeds, times and measurements are approximate. All measurements were obtained by  
12 estimation. All E/W measurements were taken from a GPS coordinate reading that was acquired  
13 from the GPS instrument located in a Kern County Fire Dept Helicopter (# 408). The helicopter  
14 landed just west of where the collisions took place.

15

16 **SCENE:**

17

18 The Jawbone Cyn off hwy area is located on Jawbone Cyn Rd, west of SR-14. This is a rugged  
19 desert terrain area set aside for off hwy vehicle use. The Jawbone Cyn off hwy area is located in a  
20 rural uninc area of Kern County. At the time of the collision it was cloudy and dry.

21

22 **PARTIES:**

23

24 **Party # 1** (REDACTED). P-1 had succumbed to her injuries by the time I arrived on scene. P-1 was  
25 identified by Wit # 2 and Wit # 3. P-1 was determined to be the driver of V-1 at the time of the  
26 collision by statements.

27

28

DATE OF INCIDENT	TIME	NCIC NUMBER	OFFICER I.D. NUMBER	NUMBER
11/25/2008	1356	9830	012724	2008-11-0040

1 Vehicle # 1 (Yamaha Rhino) was in an upright position upon my arrival, and came to rest as  
2 indicated on the factual diagram. V-1 received total roll over damage. I conducted a visual  
3 inspection on V-1's left front seat belt. The seat belt was a latch / link 5 way type restraint. I  
4 noticed that the lap portion of the belt was fastened together with the latch / link system. As I  
5 looked at the fastened lap belts, it did not appear that there would have been enough slack in the  
6 lap belts to have fit around P-1's waist area. I noticed that both of the shoulder straps, which are  
7 part of the latch / link 5 way restraint system, were not fastened to the lap belt at all. Both of these  
8 straps were resting on the back portion of the seat. The seat belt appeared to be in good working  
9 order.

10

11 There was a nylon strap affixed to the latch. The nylon strap had a piece of Velcro sewn into it.  
12 The Velcro is on the nylon strap so that once the latch has been locked over the links, the latch  
13 can be held down to the lap belt where the other half of the Velcro is. Both sides of the Velcro  
14 appeared to be in good condition.

15

16 **OTHER FACTUAL INFORMATION:**

17

18 #1) It should be noted that throughout this report there is a subject named [REDACTED]  
19 [REDACTED] is the daughter of P-1. [REDACTED] was directly in front of P-1, also  
20 driving a Yamaha Rhino. [REDACTED] attempted to descend the steep grade, just seconds  
21 before P-1. As [REDACTED] descended down the steep grade, her Rhino started  
22 overturning and she was subsequently ejected out of her vehicle, and received fatal injuries. A  
23 separate investigation was completed on [REDACTED] collision.

24

25 **PHYSICAL EVIDENCE:**

26

27 See factual diagram for further.

28

PREPARED BY	I.D. NUMBER	DATE	REVIEWER'S NAME	DATE
D. F. MULLIGAN JR	012724	11/25/2008		

DATE OF INCIDENT	TIME	NCIC NUMBER	OFFICER I.D. NUMBER	NUMBER
11/25/2008	1356	9830	012724	2008-11-0040

1 **STATEMENTS:**

2

3 **Party # 1** (██████████) no statement obtained from P-1 due to the fact that she sustained fatal injuries  
4 as a result of this collision.

5

6 **Witness # 1 (Huesner)** said he was driving his Yamaha Rhino, through the desert, being followed  
7 by three other Rhino driver's. Wit # 1 said ██████████ was directly behind him, P-1 was  
8 directly behind ██████████ and Wit # 2 and Wit # 3, who where in the same Rhino, were  
9 directly behind P-1. Wit # 1 said that they got lost and were trying to get back to their campsite.  
10 Wit # 1 said he had told the other Rhino drivers to stay back from him while they were traveling  
11 together. Wit # 1 said they were traveling on top of a mountain and came upon an area where the  
12 trail became a steep descending grade.

13

14 Wit # 1 said he started down the grade, and made it to the bottom where he stopped. He then saw  
15 that ██████████ had already started down the steep embankment. Wit # 1 said he  
16 motioned to ██████████ as that it was okay, and that she ██████████ needed to  
17 come down slow. Wit # 1 said ██████████ continued coming down the hillside when one  
18 of her vehicles tires came to rest on a rock.

19

20 Wit # 1 said that ██████████ gave her vehicle some gas. Wit # 1 said ██████████  
21 got over the rock, however had given her vehicle too much gas. Wit # 1 said that ██████████  
22 ██████████ Rhino then started coming down the hillside too fast. Wit # 1 said ██████████  
23 Rhino started to go sideways and then started to overturn. Wit # 1 said he heard P-1 screaming.  
24 Wit # 1 said P-1's ██████████ Rhino continued to overturn down the steep embankment.  
25 Wit # 1 said P-1 was then ejected out of her Rhino, and continued to tumble down  
26 the hillside. Wit # 1 said as ██████████ and her Rhino came to rest at the bottom of the  
27 hillside. Wit # 1 said he then saw P-1's Rhino overturning down the hillside as well.

28

DATE OF INCIDENT	TIME	NCIC NUMBER	OFFICER I.D. NUMBER
11/25/2008	1356	9830	012724

1 Wit # 1 said when P-1's Rhino came to rest, he immediately tried to call 9-1-1 on cellular  
2 telephone. Wit # 1 said he did not have a signal on his cellular telephone. Wit # 1 said as soon as  
3 he saw that both [REDACTED] and P-1 were being helped, he started driving in an easterly  
4 direction. Wit # 1 said he drove until he could get a signal on his cellular telephone and make the  
5 9-1-1 call.

6

7 **Witness # 2** [REDACTED] said he was driving his Yamaha Rhino following Wit # 1, [REDACTED]  
8 [REDACTED] and P-1. Wit # 2 said that they were trying to get back to their campsite. Wit # 2 said  
9 they were on top of a mountain and came to an area where the trail turned into a steep hillside.  
10 Wit # 2 said as he started down the hillside he saw [REDACTED]'s Rhino start to overturn  
11 and then land down at the bottom of the hillside. Wit # 2 said soon after, P-1's vehicle started to  
12 overturn and also landed down at the bottom of the hill. Wit # 2 said after seeing [REDACTED]  
13 [REDACTED] and P-1 overturn their Rhino's he decided to park his Rhino. Once Wit # 2 felt he had  
14 secured his Rhino, he exited his Rhino and slid down the hillside to help [REDACTED] (his  
15 granddaughter), and P-1 (his daughter).

16

17 **Witness # 3** [REDACTED] was a passenger in Wit # 2's vehicle. She is the wife of Wit # 2, the  
18 grandmother of [REDACTED], and the mother of P-1. I did not obtain a statement from  
19 Wit # 3.

20

21 **Witness # 4** [REDACTED] said he was standing near his campsite, directly across from the  
22 hillside where the four Rhino's attempted to descend down the steep grade. Wit # 4 said he was  
23 talking to Wit # 5 when all of a sudden Wit # 5 said "Oh Shit". Wit # 4 said he turned around and  
24 saw one of the Rhino's start to overturn down the hillside. Wit # 4 said he ran over to the area  
25 where the Rhino's had overturned to see if he could help any victims.

26

27

PREPARED BY	I.D. NUMBER	DATE	REVIEWER'S NAME	DATE
D. F. MULLIGAN JR	012724	11/25/2008		

DATE OF INCIDENT	TIME	NCIC NUMBER	OFFICER I.D. NUMBER
11/25/2008	1356	9830	012724

1 **Witness # 5** [REDACTED] said he was standing near his campsite, talking to Wit # 4. Wit # 5 said he  
 2 saw a Rhino start to tumble down a steep grade directly south of his location. Wit # 5 said he got  
 3 on his motorcycle and immediately went over to aid the victims. Wit # 5 said he drove his  
 4 motorcycle partially up the steep grade, got off his motorcycle, and aided P-1.

5

6 **Witness # 6** [REDACTED] said he was driving his Jeep Cherokee in an easterly direction when he  
 7 saw P-1's vehicle overturning down the hillside. Wit # 6 said he stopped his vehicle and ran to  
 8 P-1's location to help her.

9

#### 10 OPINIONS AND CONCLUSIONS:

11

#### 12 SUMMARY:

13

14 P-1 was driving V-1 on a dirt trail, located on top of a steep mountain. P-1 was traveling with three  
 15 other Yamaha Rhino drivers (Wit # 1, [REDACTED] and Wit # 2). P-1 was driving her Rhino  
 16 directly behind [REDACTED], who happened to be her (P-1) 16 year old daughter. The four  
 17 drivers came upon a portion of the trail that descended down a very steep grade. All four of them  
 18 started to drive their Rhino's down the steep grade. Wit # 1 made it to the bottom of the grade.  
 19 [REDACTED] then attempted to drive V-1 down the steep grade herself. [REDACTED]  
 20 lost control of her Rhino and it subsequently started overturning. As [REDACTED]'s Rhino  
 21 overturned down the steep grade, she ([REDACTED]) was ejected out of her Rhino.

22

23 P-1, who was directly behind [REDACTED] started screaming. P-1 then attempted to drive  
 24 her Rhino down the steep grade. As P-1 started down the grade, she lost control of V-1. V-1  
 25 started overturning. As V-1 overturned, P-1 was ejected out of V-1. V-1 continued down the steep  
 26 hillside and came to rest at the bottom. P-1 came to rest on the steep hillside.

27

DATE OF INCIDENT	TIME	NCIC NUMBER	OFFICER I.D.	NUMBER
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1 The summary was based on statements and P-1's and V-1's place of rest. I formed an opinion  
 2 that P-1 was ejected out of V-1 due to the fact that she was not wearing the 5 way latch / link  
 3 restraint system at the time of the collision. I formed my opinion based on my visual inspection of  
 4 the seat belt, as described in "Party # 1 / Vehicle # 1" in this report.

5

6 **AREA OF IMPACT:**

7

8 Area of Impact (V-1 overturns) was determined to be 1,280' south of the south rdwy edge of  
 9 Jawbone Cyn Rd and 330' east of GPS coordinates 35.1873 / 118.0340.

10

11 Area of Impact (P-1 gets ejected out of V-1) was determined to be 1200' south of the south rdwy  
 12 edge of Jawbone Cyn Rd and 330' east of GPS coordinates 35.1873 / 118.0340.

13

14 **CAUSE:**

15

16 P-1 caused this collision due to her violation of 38312 VC (No person shall place in motion an off-  
 17 hwy vehicle that is stopped, standing, or parked until such movement can be made with  
 18 reasonable safety. The cause was based on statements, the instability of the soil, and the  
 19 steepness of the terrain.

20

21 **RECOMMENDATIONS:**

22

23 None.

24



# JAWBONE CANYON & DOVE SPRINGS VISITOR INFORMATION AND TRAIL MAP



Welcome to the Jawbone - Dove Springs Area, managed by the Bureau of Land Management (BLM). The BLM is responsible for the balanced management of the public lands and resources. This management is based upon the principles of multiple use and sustained yield for both renewable and non-renewable resources. These resources include recreation, range, timber, minerals, watershed, wildlife, wilderness, natural, scenic, scientific, and cultural values. Fulfilling this mission is a challenging task, but one to which the BLM employees are committed!

*Please join us in keeping your Public Lands open for your recreation adventures.*

The Jawbone Canyon and Dove Springs Open Areas provide challenging riding and hill climbing opportunities for riders of all skill levels, from the beginner to expert. Surrounding these areas are several hundred miles of designated trails within the Limited Use area. These trails can take one from the wide-open desert flats, past geological wonders, to high scenic vistas.

## **JAWBONE-DOVE SPRINGS AREA RULES:**

Inside the flyer is a map. The map shows the designated route system along with general information pertaining to the Jawbone-Butterbrecht Management Area. There are three types of riding areas. Please read the rules below. Your cooperation in following and helping enforce these rules is appreciated. Only through your cooperation and compliance can we assure that the Jawbone-Butterbrecht Management Area will remain open for continued recreational use.

- 1. LIMITED USE ONLY AREA:** A LEGAL ROUTE IS ONE THAT IS MARKED WITH A BROWN NUMBERED POST. YOU ARE IN VIOLATION IF YOU RIDE NON POSTED ROUTES, CROSS COUNTRY, HILL CLIMB OR IF YOU ARE BEHIND A RED POST. RIDING THROUGH A FENCE CUT OR AROUND A FENCE IS ALSO A VIOLATION. ***IT IS YOUR RESPONSIBILITY TO KNOW WHERE YOU ARE RIDING!***
- 2. OPEN AREA:** NO RESTRICTIONS ON RIDING. ALL FORMS OF CROSS COUNTRY TRAVEL AND HILL CLIMBING IS ALLOWED.
- 3. CLOSED AREA:** CLOSED AREAS INCLUDE: DESIGNATED WILDERNESS AREAS, STATE PARKS, PRIVATE PROPERTY, PACIFIC CREST TRAIL, BIRDS OF PREY NESTING AREA (1 FEBRUARY 1 – JULY 1 ANNUALLY), AND DESERT RESTORATION AREAS. INCURSIONS CAN LEAD TO CITATIONS AND FINES, KNOW WHERE YOU ARE RIDING.
- 4. HAY BALES ARE BOUNDARY MARKERS FOR DESERT RESTORATION PROJECTS AND THE AREA BEHIND THE HAY BALES ARE CLOSED TO OHV USE. PLEASE RESPECT THE BOUNDARIES AND DO NOT DAMAGE OR MOVE THE HAY BALES.**

## **OFF HIGHWAY VEHICLE (OHV) USE IN THE CALIFORNIA DESERT AREA**

**(OHV is any 4WD, Motorcycle, ATV Quad/3 wheeler, Dune Buggy)**

A current registration (or copy) in possession, a valid green/red sticker properly affixed to the OHV, spark arrestor, and exhaust system that is California State Noise Regulation compliance is required.

**ATTENTION ATVs**, a helmet is required, **NO passengers** on ATVs, unless the vehicle was designed to carry a passenger by the manufacture. If the rider is under fourteen years old they must have an ATV Safety Certificate and be under direct adult supervision

**DESERT TORTOISE INFORMATION:**

If you find a Desert Tortoise please respect it. *Any activity that causes harm to a tortoise, or possession of a tortoise, tortoise remains or destruction of their habitat is a violation of the Endangered Species Act. Violations will be treated accordingly.* Never return a domestic tortoise to the wild. If you want to adopt or return a tortoise you can contact the California Turtle and Tortoise Club at 510-886-2946 for additional information.

**SHOOTING:** Target shooting of legally registered weapons is permitted. Please clean up your target debris, shell casings and do not fire into to the air. Fireworks are not allowed on public lands at any time.

**CAMPING:** Remember! Pack it Out. Please select previously used campsites and your stay is limited to 14 days. The desert is home to many unique creatures and plants. Please respect them. The Joshua Tree is a protected plant and not a good selection for firewood. They are not really trees, burn very poorly and only grow about one foot every ten years. Please help us protect this resource. Prevent theft, lock up your equipment when departing your campsite for the day or turning in for the evening. Leave the area cleaner than you found it. If you have a campfire, please clean out the fire ring upon your departure.

**TIPS FOR A TROUBLE FREE VISIT:**

Always ride with a partner, whenever possible, know where you are going and have a map. Leave a riding plan in camp, check your fuel, have water with you before departing. Remember it is your responsibility to know where you are riding and if you can not see around turns slow down. Always be on the lookout for other riders when riding in or around camping and staging areas be on the lookout for younger riders. Do not count on your cell phone as coverage is very limited.

The Jawbone-Dove Springs Area has many historic, prehistoric archaeological sites and mine sites scattered across the desert. Please respect these sites, enjoy them, but leave artifacts where they were found and do not explore abandoned mine shafts. They can be very dangerous.

The BLM encourages that all desert travelers use a propylene glycol based antifreeze/coolant. It is proven safer and has less impact on wildlife and the environment should a leak occur.

**EMERGENCY NUMBERS: 9 1 1**

Kern County Sheriff (800)861-3110  
California City Police (760)373-8600  
BLM Dispatch Center (909)383-5652

Antelope Valley Hospital (661)949-5000  
(BLM) Jawbone Station (760)373-1146  
Ridgecrest Regional Hospital (760)446-3551

**FOR ADDITIONAL INFORMATION OR YOUR COMMENTS:**

Bureau of Land Management  
Ridgecrest Field Office  
300 S Richmond Rd,  
Ridgecrest CA 93555  
(760)384-5400

Jawbone Station BLM  
28111 Jawbone Canyon Road  
P.O. Box 1940  
Cantil, CA 93519  
(760)373-1146

***Remember Responsible Riders Keep Areas Open! Irresponsible riders damage the environment resulting in possibly loosing riding opportunities.***

**DUI and Open Container Laws are strictly enforced!**



OUTDOORS

SPORT

STAR

MODELS

ACCESSORIES

APPAREL &amp; GIFTS

PARTS &amp; SERVICE

NEWS &amp; EVENTS

EXTENDED SERVICE

HISTORY

## MODELS

## 2007 Rhino 660 Auto. 4x4

[Model Home](#) | [Features](#) | [Specs](#) | [Gallery](#) | [Accessories](#) | [Build Your Own](#)


-Choose Comparison Model-

<b>MSRP*</b>	\$9,799 (Hunter Green) \$9,799 (Red) \$10,249 Hunter (Hardwoods HD Camo)
<b>Engine</b>	
Type	660cc liquid-/oil-cooled w/fan, SOHC four-stroke; 5-valve
Bore x Stroke	100mm x 84mm
Compression Ratio	9.1:1
Carburetion	Mikuni 42mm BSR
Ignition	DC - CDI
Starting System	Electric
Transmission	Yamaha Ultramatic® V-Belt /H, L, N, R
Engine Braking	All Wheel
Drive Train	Yamaha On-Command® pushbutton 3-way locking differential, 2WD, 4WD, locked 4WD; Shaft
<b>Chassis</b>	
Suspension/Front	Independent double wishbone, 7.3" travel w/5-way preload adjustment
Suspension/Rear	Independent double wishbone, 7.3" travel w/5-way preload adjustment
Brakes/Front	Dual hydraulic disc, twin pistons
Brakes/Rear	Hydraulic disc, self-adjust parking system, shaft mounted
Tires/Front	AT25x8-12 NHS
Tires/Rear	AT25x10-12 NHS
<b>Dimensions</b>	
L x W x H	113.6" x 54.5" x 73.0"
Wheelbase	75.2"
Turning Radius	153.5"
Ground Clearance	12.1"
Fuel Capacity	7.9 gal.
Dry Weight	1049 lb.
Bed Capacity	400 lb.
Towing Capacity	1212 lb.
<b>Other</b>	
DC Outlet	Standard
Instrumentation	Digital LCD, multifunction display, fuel gauge, speedometer, odometer, dual trip, hour meter, clock and gear position
Lighting	Dual 30W Krypton multireflector headlights & dual 21/5W brake light
Warranty	6 Month (Limited Factory Warranty)

\*Price and specifications subject to change without notice.  
Please read your Owner's Manual and all labels before operation.

090106HWE7951

Exhibit #5

Page 1 of 1

Photographs



5.1 – View of steep embankment the victim was traversing down when she lost control and rolled.



5.2 – Arrow points to approximate area the victim lost control and her UTV started to roll.

**FOR INCIDENTS INVOLVING UTILITY VEHICLES (UTVs)**

\* PLEASE USE NEISS PRODUCT CODE 5044 on the cover sheet (182) if the investigation confirms that the incident involves a utility vehicle.

\* Please contact Tanya Topka (301 504 7594 or [TTopka@cpssc.gov](mailto:TTopka@cpssc.gov)) with questions about the investigation.

\* Please explicitly address each of the following questions in the IDI narrative. If no information is available for a specific question, please list the question number and indicate "na" 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. Dirt road in an OHV Park going down a steep embankment.
  2. Determine if the driver and/or passengers were wearing seat belts. If they were wearing seat belts, please list if they were ejected. Victim was not wearing the seat belt.
  3. Determine if they were wearing a helmet. Victim was not wearing a helmet.
  4. Determine ages of the driver and all passengers and list the person by age and location (ex. Driver 16yom, Passenger 15yof, etc.) Driver only – 41 yof
  5. Determine speed at time of incident (even if not exact speed is available provide range (ex. Between 10-20mph) After watching her daughter lose control of her UTV on a steep embankment, the victim descended the same steep embankment and also lost control causing her UTV to roll over and over. The actual speed in unknown.
  6. Determine if the person was making a turn at the time of incident and in what direction. (If not what were they doing?) No
  7. Determine if the vehicle had aftermarket modifications. Unknown
  8. Determine the model year of the product and if it was the 450, 660, or 700cc model. 2007 660 cc
  9. Please list on the cover sheet (182) in the manufacturer section "Yamaha" and in the model section "Rhino" (We need this for easy searching) Done
  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. As the UTV sped down the steep embankment, the victim lost control and started to go sideways and then overturn numerous times. The victim was ejected and rolled separately down the hill.
  11. Determine number of riders on the vehicle at time of incident. One
-

**Task No. 090106HWE7951**

**Date: 1-7-09**

**Status of Missing Document(s)**

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

1. Kern County Coroner's Report

2. \_\_\_\_\_

**DATE:** 1-7-09 **INVESTIGATOR NO:** 9011

**REGIONAL OFFICE:** CFWIC-C **SUPERVISOR NO:** \_\_\_\_\_

1. Task Number 081218CCC2191		2. Investigator's ID 9094		<b>EPIDEMIOLOGIC INVESTIGATION REPORT</b>
3. Office Code 840	4. Date of Accident YR MO DAY 2008 01 01	5. Date Initiated YR MO DAY 2008 12 19		
6. Synopsis of Accident or Complaint <b>UPC</b> A 26-year-old male was a passenger in a side-by-side UTV driven on a paved road by another adult male, who owned the UTV. They were not wearing helmets or seat belts. They stopped the UTV at an area of loose dirt and gravel where road repair work was in progress. When they tried to make a 180-degree turn to the left, the UTV tilted and skidded to the right. The passenger was ejected, landing on his right leg. The UTV also landed on him and dragged him several feet. He received a broken leg, torn ligaments, and torn tendons. The driver was not injured.  <b>MFR/PRVLBR NOTIFIED</b> 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>254;</i> <input checked="" type="checkbox"/> DO NOT RE-NOTIFY <input type="checkbox"/> RE-NOTIFY <i>Jun 5/18/09</i>				
7. Location (Home, School, etc) 4 - STREET OR HIGHWAY		8. City MCCOMB		9. State MS
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 26		13. Sex 1 - Male	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) 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 checked="" type="radio"/> No <input type="radio"/> Verbal <input type="radio"/> Yes for Manuf. Only				
24. Review Date 01/29/2009		25. Reviewed By 8631		26. Regional Office Director Frank J. Nava
27. Distribution Topka, Tanya			28. Source Document Number I08C0328A	

**NOTE: This investigation originated from a consumer complaint. There were no deaths in this incident. The complainant was a passenger in a side-by-side utility vehicle driven by a friend of his, the owner of the vehicle.**

**I interviewed the complainant via telephone on December 19, 2008. During this interview, the complainant stated that his friend had sold the incident vehicle following the incident. Stating that the former owner of the vehicle did not wish to discuss the incident with CPSC, the complainant declined to provide the owner's name or contact information.**

**During the telephone interview, the complainant stated the incident had occurred on a road that was being repaired at the time. He said that the road repairs had been completed prior to the time he reported the incident to CPSC and that the area of loose dirt involved in the incident had been repaved.**

**Due to the fact that the incident vehicle was no longer available for inspection, the incident site had been altered following the incident, and the former owner could not be contacted, I did not conduct an on-site visit.**

**No official law enforcement, fire department, or emergency response documents were generated pertaining to this incident. I was unable to obtain sufficient information from the complainant to request a copy of any insurance report that might have been generated as a result of this incident.**

The product involved in this incident is a side-by-side utility vehicle (UTV) with four wheels. The complainant was unable to provide any further identifying information for the vehicle than the brand name and manufacturer.

The incident UTV belonged to a friend of the complainant's. This friend was driving the UTV at the time of the incident. The complainant stated that the owner had purchased the UTV new from an area dealer shortly before the incident, but he did not provide any further information about the dealer. The complainant said that the owner had not made any modifications to the vehicle since its purchase.

The complainant is a 26-year-old male. His height and weight are unknown. He stated that he did not have any pre-existing physical or mental condition that might have contributed to the incident. He also stated that he was not under the influence of any alcohol, drugs, or medication at the time of the incident.

According to information provided by the complainant, the driver of the vehicle is an adult male. The complainant did not provide the driver's age, height, or weight. The complainant indicated that the driver had no known pre-existing physical or mental condition that might have contributed to the incident. He also said that, to his knowledge, the driver of the UTV was not under the influence of alcohol, drugs, or medication at the time of the incident.

As stated previously, the complainant in this incident was a passenger in a side-by-side utility vehicle (UTV), owned and driven by his friend. The complainant stated that they were not wearing helmets or seat belts at the time of the incident. He said that they had been wearing seat belts prior to the incident but that they had removed the seat belts. He did not indicate why the seat belts had been removed or why he and the driver were not wearing seat belts when the incident occurred.

The complainant did not provide the date of the incident. He said that his friend had not owned the UTV long when the incident occurred, but he did not indicate the date or month in which the incident occurred. He said he thought that the incident had occurred in the autumn of 2008.

Some time during the autumn of 2008, two adult males were riding a side-by-side UTV on a paved residential street. Neither man was wearing a helmet. Although the complainant indicated that they had been wearing seat belts earlier during the drive, he said that they were not wearing seat belts when the incident occurred.

The rate of speed at which the UTV was traveling is unknown. However, the complainant stated that they had come to a complete stop and were starting up again when the incident occurred. He said that they were not traveling at a high rate of speed when the incident occurred.

The complainant stated that the UTV came to a place in the road where there was red clay and gravel. He said that road workers were filling in a ditch that ran beneath the road and that that the area above the ditch was unpaved when the incident occurred.

According to the complainant, the driver of the UTV decided to make a 180-degree turn (U-turn) when he came to the repair work area. The complainant said that the driver brought the UTV to a complete stop and then began making a U-turn to the left.

As the UTV began turning left, the passenger-side wheels apparently went off the paved area of the road, causing the UTV to tilt and skid to the right. (However, it is unclear from the statement given by the complainant whether all four wheels were in the dirt when this occurred or only the passenger-side wheels.)

The complainant, who was not wearing a seat belt, fell out of the UTV and landed on his right leg. He said that the UTV, which continued its sideways tilt, landed on him and dragged him several feet.

The complainant stated that the outside bone in his lower right leg was broken and that he received numerous torn ligaments and tendons in his ankle. He indicated that he sought medical attention for these injuries but that he was unable to afford all of the prescribed treatment. At the time of the telephone interview, he said that he was still suffering from injuries received in the incident.

I requested copies of medical records from the complainant and forwarded him a Medical Records Disclosure Form. However, neither the completed form nor a copy of the medical records was received.

According to information provided by the complainant, the driver of the UTV was uninjured in the incident.

The complainant stated that the UTV sustained minor damages in the incident. However, no specific information about the extent of damages to the UTV could be obtained.

#### **CONTACT WITH RETAILER AND MANUFACTURER:**

The complainant indicated that he had not contacted the retailer of the UTV involved in the incident.

The complainant said that he had not contacted the manufacturer of the incident UTV but that he intended to do so. He did not provide any record of attempted contact with the manufacturer following the telephone interview with CPSC.

#### **PRODUCT IDENTIFICATION:**

The product involved in this incident is a **Yamaha Rhino** side-by-side utility vehicle (UTV). The product was purchased new by a friend of the complainant several days or weeks before the incident occurred.

I was unable to obtain any further identifying information regarding the UTV involved in the incident.

Information about the manufacturer is listed below:

Yamaha Motor Corporation, USA  
6555 Katella Avenue  
Cypress, CA 90630

The complainant said that, to his knowledge, the owner had not experienced any problems with the UTV prior to the incident.

The complainant stated that the owner of the UTV had not made any aftermarket modifications to the UTV prior to the incident.

The complainant did not provide a copy of the owner's manual for the incident UTV,

#### **LABELING**

As the incident UTV had been sold by the owner prior to initiation of this investigation, I was unable to examine any labeling.

**081218CCC2191**

**- 4 -**

**SAMPLE:**

None collected.

**ATTACHMENTS:**

Attachment 1 – Contact Sheet

Attachment 2 – Copy of Documents Sent to Complainant following telephone interview

Attachment 3 – Missing Documents Form

**List of Contacts**

**Name:** [REDACTED]  
**Title:** Complainant  
**Address:** [REDACTED]  
**Phone:** [REDACTED]  
**Interviewed:** December 19, 2008

Information from interview is included in narrative.

Sent the following documents to complainant as pdf files attached to e-mail on 12/19/08:

- Authorization for Release of Name
- Medical Records Release Form
- FOIA Information

Documents were not returned.

No further information was provided.

**Pigott, Mary**

**From:** Pigott, Mary  
**Sent:** Friday, December 19, 2008 2:46 PM  
**To:** [REDACTED]  
**Subject:** CPSC Complaint regarding Yamaha Rhino  
**Attachments:** CPSC letter.pdf; HIPAA - Medical Release Form.pdf; AuthorizationForm.pdf; FOIA Info.pdf

Mr. [REDACTED]

Thank you for taking the time to discuss your complaint with me earlier today. As I mentioned, I am attaching a letter requesting further action from you. I am also attaching two forms for your review and signature.

I have also attached information concerning the procedure for making a request through the Freedom of Information Act. Please note the highlighted information regarding requests for brand-name data. Also, if you should choose to request a copy of the report pertaining to your case number, please wait to make that request until after the case has been completed. I will submit a report on your case after receiving a response from you regarding the attached forms. (If you choose not to release medical records to CPSC, please let me know by responding to this e-mail or calling me at the telephone number listed below.)

As always, please feel free to contact me if you have any further questions or comments regarding your case.

Thanks!

**Kim Pigott**  
**Product Safety Investigator - Jackson, MS**  
**U.S. Consumer Product Safety Commission**  
**601-924-8370**

Mary Kimberly Pigott  
Product Safety Investigator  
Post Office Box 167  
Clinton, Mississippi 39060



Telephone: 601-924-8370  
Fax 866-922-9730  
E-mail: mpigott@cpsc.gov

**U.S. CONSUMER PRODUCT SAFETY COMMISSION  
Jackson, MS Field Office**

December 19, 2008



Dear [REDACTED]

Thank you for taking the time to discuss the incident you experienced with a Yamaha Rhino. As we discussed, the United States Consumer Product Safety Commission (CPSC) is a consumer protection agency of the U.S. federal government involved with the safety of various consumer products, including side-by-side utility vehicles. The information you provided our agency might help prevent an incident like this from happening to someone else.

In an effort to obtain official information regarding the incident, I would like to request a copy of any records relating to the treatment you obtained for injuries resulting from this incident. In order to obtain the medical records, I need a signed release form from you. If you would agree to let the care provider forward a copy of your treatment records to CPSC, please sign the enclosed release form and return it to me at the address listed below:

Kim Pigott – CPSC  
P. O. Box 167  
Clinton, MS 39060.

I am also including an Authorization for Release of Name form. After reviewing this form, please indicate your preference, sign the form, and return it to me at the address above.

For your benefit I have included information about the procedure for making a request from our agency through the Freedom of Information Act (FOIA).

Again, thank you for the information you provided our agency regarding this incident.

Sincerely,

A handwritten signature in cursive script that reads "Kim Pigott".

Kim Pigott  
Product Safety Investigator  
Consumer Product Safety Commission

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**APPENDIX VII-D-7 MEDICAL RECORDS DISCLOSURE FORM**

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

**AUTHORIZATION FOR MEDICAL RECORDS DISCLOSURE**

This form authorizes release of information in accordance with the Health Insurance Portability and Accountability Act, 45 C.F.R. Parts 160 and 164, 5 U.S.C. 552a, and 38 U.S.C. 5701 and 7332. I understand that my disclosure of the information requested on this form is voluntary. I further understand that the Social Security Number will be used to locate records for release and if not voluntarily furnished completely and accurately, the health or medical facility will be unable to comply with the request.

**TO WHOM IT MAY CONCERN:**

I request and authorize \_\_\_\_\_ (*name of health or medical facility*) to furnish the United States Consumer Product Safety Commission all information and copies of any and all records you may have pertaining to (my case)(the case of)

Patient Name \_\_\_\_\_

Relationship to you \_\_\_\_\_

Patient Social Security Number \_\_\_\_\_

including, but not limited to, medical history, physical reports, laboratory reports and pathological slides, and X-ray reports and films.

AUTHORIZATION: I certify that this request has been made freely, voluntarily and without coercion and that the information given above is accurate and complete to the best of my knowledge. I understand that I will receive a copy of this form after I sign it. I may revoke this authorization, in writing, at any time except to the extent that action has already been taken to comply with it. Written revocation is effective upon receipt by the unit or office at the facility housing the records. Redisclosure of my medical records by those receiving the above authorized information may be accomplished without my further written authorization and my records may no longer be protected. Without my express revocation, the authorization will automatically expire: (1) upon satisfaction of the need for disclosure; (2) on \_\_\_\_\_ (*date supplied by patient*); or (3) under the following conditions:

\_\_\_\_\_  
(DATE)

\_\_\_\_\_  
(SIGNATURE OF PATIENT OR PERSON AUTHORIZED TO SIGN FOR PATIENT)

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\_\_\_\_\_  
(WITNESS)

# 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)



Thank you for contacting the U.S. Consumer Product Safety Commission. (CPSC)

Filing a complaint is the first step in helping the CPSC identify safety problems. CPSC staff reviews your complaint and also considers it in relation to other complaints the Agency receives. When a trend is suspected and a problem has a potential for causing a risk of injury, the staff may open an investigation to further investigate the product's involvement in any potential risk of injury. The information you provide could lead to a product recall, a voluntary or mandatory standard, an information and education safety campaign, or help us better understand the product, its use and possible injury trends.

If the data and staff review indicates that a safety-related defect exists, the manufacturer or importer may be asked to conduct a recall. CPSC seeks a recall when there has been or could be a significant risk of injury presented by a consumer product as a result of a defect and/or violation of a Commission regulation or standard. Not every CPSC investigation results in a request for a recall. Some investigations are used to determine the need for improvements to products through the development of a federal mandatory or voluntary industry standard or even to conduct an information and education safety program. While we have no set number of complaints needed to open an investigation, the staff does look for trends and responds accordingly. Commission technical staff (which may include engineers, scientists and epidemiologists) and compliance staff review complaints submitted to the CPSC whether by phone, letter or electronic submission.

We hope you find this information helpful. However, if you wish to follow-up or obtain a copy of the investigative reports regarding this matter, please feel free to contact our Freedom of Information Act (FOIA) Office at 301-504-7923 (fax 301-504-0127) or file a FOIA request online at:

<https://xapps.cpsc.gov/FOIA/pages/requestentry.jsp>

Please reference CPSC file # 081218CCC2191

We cannot give out brand-name information without first notifying the company 15 days in advance of any proposed disclosure and giving them an opportunity to comment on the information. Congress required this procedure in Section 6(b) of the Consumer Product Safety Act. You may file a FOIA request for brand-name data; the FOIA Office will give the information to the company for comment, resolve any issues the company raises, and then send you the results.

Copies of product recall and product safety information can be sent to you automatically via Internet e-mail, as they are released by CPSC. To subscribe or unsubscribe to this service go to the following web page:

<http://www.cpsc.gov/cpsclist.aspx>

Thank you,  
Investigator

*Kim Pigott*

U.S. Consumer Product Safety Commission

**Task No.** 081218CCC2191

**Date:** 01-29-2009

## STATUS OF MISSING DOCUMENT (S)

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

1. Medical Records Disclosure Form
2. Copy of medical records
3. Authorization for Release of Name
4. Insurance Report - unable to make official request; no contact info
5.

**Date:** 01-29-2009      **Investigator No:** 9094

**Regional office:** CFIW      **Supervisor No:** 8631

1. Task Number 081106HCC3100		2. Investigator's ID 9107		<b>EPIDEMIOLOGIC INVESTIGATION REPORT</b>
3. Office Code 840	4. Date of Accident YR MO DAY 2007 09 26	5. Date Initiated YR MO DAY 2009 02 06		
6. Synopsis of Accident or Complaint UPC A 72 year old male was riding a UTV 4-wheeler down a trail when his front wheel went up over a large rock causing the right side of the UTV to come up off the ground. When the tires came off the ground the UTV became top heavy and fell to the its left side and The victim was ejected to the ground and his head landed next to the roll bar. The victim was not wearing a helmet nor seatbelts at the time of the incident. The victim died at the scene.  MFR/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. 254; 6 <input checked="" type="checkbox"/> DO NOT RE-NOTIFY <input type="checkbox"/> RE-NOTIFY  <i>for 5/18/09</i>				
7. Location (Home, School, etc) 0 - UNKNOWN		8. City CLANCY		9. State MT
10A. First Product 5044 - Utility Vehicles		10B. Trade/Brand Name YAMAHA RHINO		10C. Model Number UNKNOWN
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 72	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) 8 / 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 03/04/2009	25. Reviewed By 9021		26. Regional Office Director Frank J. Nava	
27. Distribution Streeter, Robin; Topka, Tanya			28. Source Document Number 0730007114	

This In-Depth Investigation (IDI) was initiated based a death certificate concerning a fatality involving a Utility Vehicle (UTV). The following information was obtained from investigating officials. The incident was not witnessed.

The photographs and the coroner's report were requested but have not been received.

The terrain is identified as a developed 4-wheel wooded trail in a mountain area. Only way to access the area is by way of a 4-wheeler.

It is unknown how fast the victim was going at the time of the incident  
The driver was killed; there were no passengers on the UTV.

The victim was a 72 year old male. His date of birth was 6/16/1935. He was 5'9" tall and weighed 180 pounds. The victim did not have any medical problems. On the death certificate it is was noted that the victim was not wearing a helmet or seatbelt at the time of the incident.

On 9/26/07, the victim and two other friends on their ATVs were coming back down the trail. The two friends had rode on ahead of the victim and waited down on the trail.

The victim was following behind and he was making his way down the trail, he ventured to the right side just a little too far where his front wheel went up over a large rock and caused the right side of the UTV to come up off the ground. After the two tires were off the ground the UTV then became top heavy and then fell to the left side of the trail.

The two friends that where waiting for the victim noticed that it was taking the victim a little longer than necessary to come down the trail, so they both started back up the trail to investigate.

When they arrived they noticed that the victim's UTV had tipped over on its left side and the victim was lying lifeless with the left side of his head by the roll bar. The two friends pulled the victim away from the UTV and saw blood emitting from inside his mouth. One friend began CPR while the other called for help.

Cause of death was due to blunt force injury to the head.

**Product Identification:**

The product involved in this In-Depth Investigation was an Utility Vehicle (UTV). The UTV is identified as a **blue 2006 Yamaha RHINO 4-wheel UTV**  
No further information was obtained.

**Exhibits:**

- (1) Police Report
- (2) Search Report
- (3) Toxicology Report
- (4) Photographs

**Contacts**

Montana Highway Patrol  
2550 Prospect Ave  
Helena, MT  
Contact initiated to obtain a copy of the police report

Jefferson County Sheriff  
110 S. Washington St  
Boulder, MT  
Contact initiated to obtain a copy of the police report  
Photographs have not been received

Coroner  
PO Box 588  
Boulder, MT 59632  
Contact initiated to obtain a copy of the coroner's report

**Task Number: 081106HCC3100**

**Date: 2/24/2009**

### **Status of Missing Document(s)**

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

1. \_\_\_\_\_ Coroner's Report \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_

Jefferson County  
 Incident Report

Incident JCSO207368-1 ORI MT0220000

Incident Date/Time: 09/26/07 14:59 To  
 Report Date/Time: 09/27/07 10:56 File #  
 Time Arrived: 15:58 Time Cleared: 18:16 Description: ACCIDENT I VEI/FATAL

**Complainant:** SHEEP MOUNTAIN RD  
 CLANCY,  
**Occurred At:** SHEEP MOUNTAIN RD  
 CLANCY /  
**Location:** CLY - CLANCY

**DOB:**  
**Phone(H):**  
**Race:**  
**Sex:**  
**Ethnic:**  
**Height:** 6'  
**Weight:** 0  
**Hair:**  
**Eyes:**  
**DOC:**

**Complainant Employer:**  
**Occupation:**  
**Phone(W):**

**Offenses:**

IDR#	Offense Description	Status	Status	Loc	Weapons
9011	Death Accidental	Completed		Field/Woods	

**Referral:**  
**Children:**  
**Evidence Taken:** Photo: Fingerprint(s): Other:  
**Inv Due:**  
**Status Date:** 09/27/07

**Status:** Cleared  
**Investigator:** 5110 - HAGERTY, DANIEL  
**Reporting Officer:** 5110 - HAGERTY, DANIEL  
**Supervisor:** -  
**Entered By:** -  
**Records:** -  
**Addendum Codes:** -  
**Copies To:**

**Exceptionally Cleared:**  
**Inv Assgn:** 09/27/07  
**Supervisor Approved:**  
**Record Approved:**

*D. Hagerty*  
*[Signature]*  
*[Signature]*

**Person(s) Involved:**

Description	Name	DOB	Address	City/State	Phone
Victim	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
Complainant	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

**Victim# 1**

**Name:** [REDACTED] **Race:** White  
**DOB:** 06/16/35 **Type:** Individual **Sex:** M  
**Phone(H):** [REDACTED] **Ethnic:** Unknown  
**Phone(W):** [REDACTED] **Height:** 5'09"  
**Weight:** 180  
**Hair:** Grey  
**Eyes:**  
**Resd:** Resident  
**Age:** 72  
**SSN:** [REDACTED] **St:** MT  
**DOC:**  
**Injuries:** 1. 2. 3. 4. 5.

Jefferson County

Incident Report

Incident JC207368-1 ORI MT0220000

Subject # 1 - Complainant

Name: [REDACTED]	Race: White
DOB: 12/12/62	Sex: Male
Phone: [REDACTED]	Ethnic: Unknown
	Height: 6'0"
	Weight: 233
	Hair: Brown
HELENA, MT 59602	Eyes: Blue
SSN: - -	Skin:
DOC:	Face: NONE
OLN: 1200319624112	Age: 44
ST: MT	

Vehicle

No records found

Property

No records found

**Incident Narrative  
JCSO207368\_1.doc**

On Wednesday September 26, 2007 at approximately 1515Hrs I was notified from Dispatch that I needed to respond to the Clancy, MT area as there was a coroner call involving an ATV accident. I was advised that Deputy Sheriff Chad McFadden and Elkhorn Search & Rescue were also headed to the location due to where the accident was located at. I acknowledged Dispatch and was en route.

At approximately 1623Hrs I arrived at the trailhead where only 4- wheelers were accessible to the accident site. I was transported on one of the search and rescue 4- wheelers. A little further up the trail I met Chad, Terry Sauer and Eagle ambulance personnel. Chad stated to me that the accident was further up the trail and that I could follow him on up. Terry also stated to me that the accident occurred on Ohio Gulch Trail, which was a developed 4- wheeler trail. I thanked Terry and soon after we were en route to the scene.

When I arrived on scene I observed a blue in color 2006 Yamaha ATV (later identified as MT Reg# 30-M28), tipped on its left side with a male body (identified as Decedent [REDACTED]) laying lifeless in the prone position on his back with his feet facing down towards the trail. The pronounced Time of Death was at 1638Hrs.

I then spoke to two other male individual males who were riding with Gerard. The first I spoke to was [REDACTED] and the [REDACTED]. Both of them stated to me that [REDACTED] was the last person coming down the trail as they were a little ways ahead of him. They both noticed that [REDACTED] was taking a little longer than necessary to come down the trail, so they both started back up the trail to investigate. When they arrived they noticed that [REDACTED]- wheeler had tipped over on its left side and his body was lying lifeless with the left side of his head by the roll bar. [REDACTED] then pulled [REDACTED] body away from the 4- wheeler and then could see blood emitting from inside his mouth, and then began CPR until he was too tired to continue while [REDACTED] called for help.

Sometime later Eagle Ambulance personnel (Shawn and Katherine Jackson), arrived where [REDACTED] and [REDACTED] were at. Shawn and Katherine tried hooking up a monitor to check for [REDACTED] heartbeat, but were unable to locate one. Eagle Ambulance then contacted Dispatch and advised them that it was a coroner call.

There were a total of 34 photographs taken at the scene and at the mortuary, and also there was a photo taken from search and rescue of the GPS coordinates of the accident. After completing the necessary paperwork the decedent's body was loaded into a litter and placed on the back of one of the search and rescue's 4- wheeler until it could be unloaded into Eagle Ambulance. Shawn, Katherine and I walked down the trail with the 4- wheeler and body until we met Terry. I explained to Terry what had occurred while the body was loaded into the ambulance, and then en route to Scott Funeral Mortuary in Boulder, MT.

In the meantime I spoke with Undersheriff Steve Marquis and advised him of the present situation. I then asked [REDACTED] if he could have Deputy Sheriff Tom Grimsrud respond to the decedent's residence as she hadn't been formally notified. [REDACTED] stated to me that he would take care of it.

Later on as I was departing the immediate area I was advised from Deputy Sheriff Bob Gleich that the decedent's wife would like me to stop by and speak with her. I acknowledged him and was en route.

At approximately 1750Hrs I arrived at the wife- [REDACTED] / DOB 10-20- [REDACTED] residence where I met one of her female neighbors. [REDACTED] wanted to know what had happened and I explained to her as [REDACTED] was coming back down the trail he ventured to the right side just a little too far where his front wheel went up over the good size rock and caused the right side of the ATV to come up off the ground. After the two tires were off the ground the ATV then became top heavy and then fell to the left side, then causing the accident.

I then asked her what she had in mind for necessary funeral arrangements, and [REDACTED] stated to me that she knew that she wanted him cremated but didn't know who since had resided in her present location for only four months. I stated to her where [REDACTED] body would be at and if she was interested she could contact Keith Kneeland. She then thanked me for my help and I then departed the immediate area en route to the mortuary.

At approximately 1835Hrs I met with Deputy Sheriff Shaun Gardner who assisted me and witnessed what items were taken from Gerard's body. After taking photographs I then drew vitreous fluid and placed it in the toxicology kit before sealing it. Taken from the body was a money clip that had a total currency of \$580.00 and

**Incident Narrative**  
**JCSO207368\_1.doc**

three credit cards, one insurance card and a MT Driver's license. Next was a black in color LG cellular phone, a small Ruko pocket knife and one pair of glasses with one lens knocked out. The items were then placed inside an evidence bag and then put inside my patrol vehicle where it was properly secured. Shaun and I then departed the mortuary.

At approximately 1937Hrs I arrived at the sheriff's office in Boulder and acquired the necessary paperwork needed from Dispatch so that I could complete the coroner report. I then left en route back to Whitehall, MT.

On Thursday at approximately 1043Hrs I was advised from Dispatch that I needed to contact Gerard's brother Denny and was advised of the phone number. I then contacted Denny and he provided me the necessary paperwork needed so that I could fully complete the coroner report. Denny agreed to meet me at the sheriff's office where I could give him the valuables that I had acquired from [REDACTED]

At approximately 1430Hrs Denny and the rest of the family met with me and I then gave him the items of [REDACTED]. He also signed an evidence card showing that he received all of the items.

The death was of accidental and the cause of death was blunt force injury to the head. Actual time of death was at 1447Hrs, and the pronounced time of death was at 1638Hrs. Decedent didn't have any medical problems related from his wife [REDACTED]

**Elkhorn Search & Rescue  
P.O. Box 304  
Clancy MT 59634**

## **SEARCH REPORT**

**Requesting Agency: Jefferson County Sherrifs office**

**Subject: ██████████'s ATV wreck**

**Prepared by: Dave Kauffman-Coordinator Elkhorn Search & Rescue**

**Date of Search: 9-25-07**

**Location of Search: Sheep Mountain \* UTM 12T 0422106-5150458**  
**Map datum: NAD 83 Lat Long: N 46d 30'11.5" - W 112d 00'54.7"**

**Place Last Seen: (PLS) On Trail**

**Type of Search: Body Recovery**

**ATV Teams: 4**  
**Chad Mcfadden, Dave Kauffman,**  
**Larry Heigh, Cris Goodhue**

### **Action Taken:**

Deputy Chadd Mcfadden called coordinator Dave Kauffman at 15:00 hrs to respond to the Sheep Mountain area for a potentially fatal atv accident. Dave attempted to call coordinator Alan Erickson with no response. While in route to the Esar building Dave called down the call tree to get more help to respond. three members responded: Dave Kauffman, Cris Goodhue and Larry Helgh. When Dave arrived at the building at 15:15 hrs Chad McFadden informed him the Victim was deceased. Responding teams arrived at the building at 15:20 hrs and we deployed with four atvs to Sheep Mountain for the body recovery. Teams arrived on scene at 16:02 hrs and soon deployed. We were informed that Eagle ambulance service had walked into the subject. Chad, Dave, Larry and Cris arrived on scene at 16:15. After the Deputy Corener investigated Elkhorn team helped with the packaging and transported the Victim and all personnel to the trailhead. The subject was approximately two miles from ██████████'s house on a windy and steep trail. The subject appeared to have hit a large rock with his Rhino atv which started his atv tipping on its side. When we arrived the victim was laying on the trail below the atv. We returned home from the search at 18:20 hrs.



FORENSIC SCIENCE DIVISION

DEPARTMENT OF JUSTICE

STATE OF MONTANA

2679 PALMER

MISSOULA, MT 59808

(406) 728-4970



DEPUTY DAN HAGERTY  
JEFFERSON COUNTY SHERIFF  
COUNTY COURTHOUSE  
110 SOUTH WASHINGTON  
BOULDER, MT 59632

Lab Case #: FSD-07-003949

Agency Case #: JCSO207368

SUBJECT [REDACTED]

CC:

TOXICOLOGY REPORT

EVIDENCE:

The laboratory received the following evidence for analysis:

TOX KIT - NICKEL

DRUG CONFIRMATION RESULTS:

SUBJECT [REDACTED]

SAMPLE NOT ANALYZED

AN INSUFFICIENT SAMPLE WAS SUBMITTED FOR ANALYSIS

James D. Hutchison, Jr.  
Forensic Toxicologist/Supervisor

Scott A. Schluefer  
Forensic Toxicologist

Tom Hansen  
Forensic Toxicologist

Elizabeth A. Saville  
Forensic Toxicologist

Date of Report: 11/15/2007

PLEASE NOTE: All biological specimens or other items that were submitted to the Toxicology Section in this case will be retained at this Laboratory for a period of five years in which time they will be destroyed, unless or until we receive a letter from your office stating what other action you may require.

CERTIFICATION: The undersigned, as Custodian of Records for the Department of Justice, Division of Forensic Sciences, hereby certifies that this document, when signed and dated, is a true and correct copy of the original of said document on file in the offices of the Division of Forensic Sciences.

Dated this 17 day of NOV, 2007

Custodian of Records, Division of Forensic Sciences

**Exhibit #4 – Police Photographs**  
**IDI# 081106HCC3100**



Photo #1 – View of the Utility Vehicle on its left side. View is facing the rear lower part of the UTV.

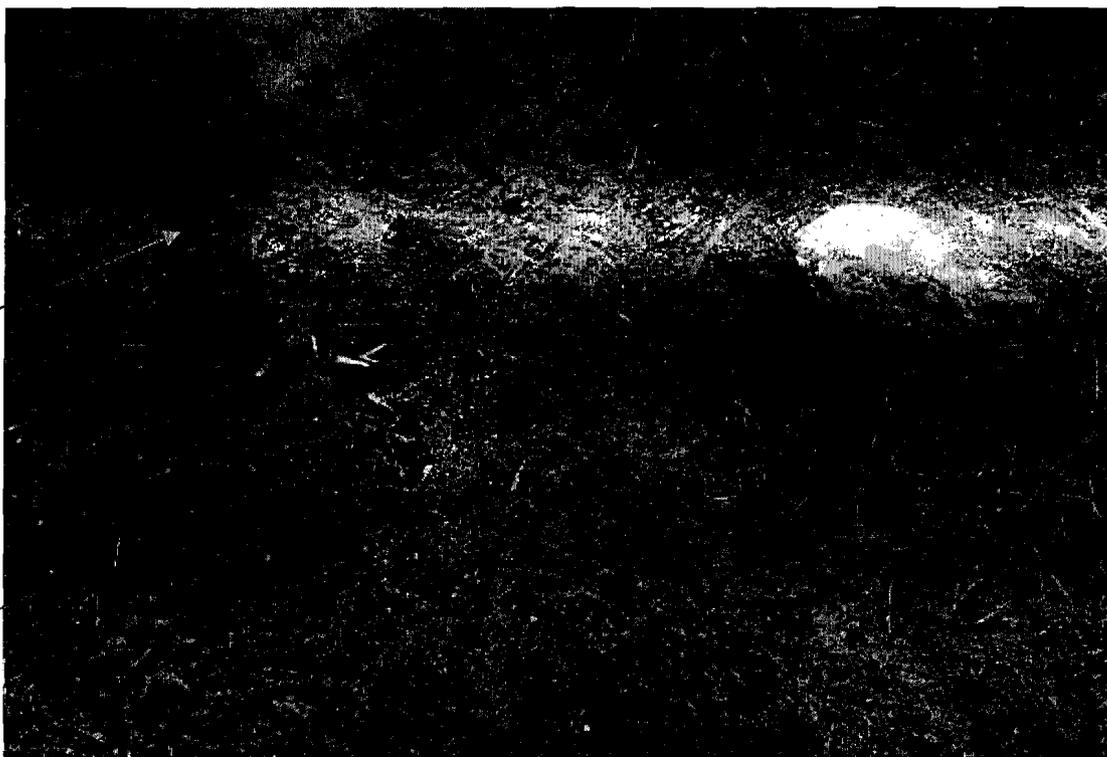


Photo #2 – View of the large rock that over turned the UTV on its left side. The arrows point at the left side tire marks left by the UTV.

**Exhibit #4 – Police Photographs**  
**IDI# 081106HCC3100**

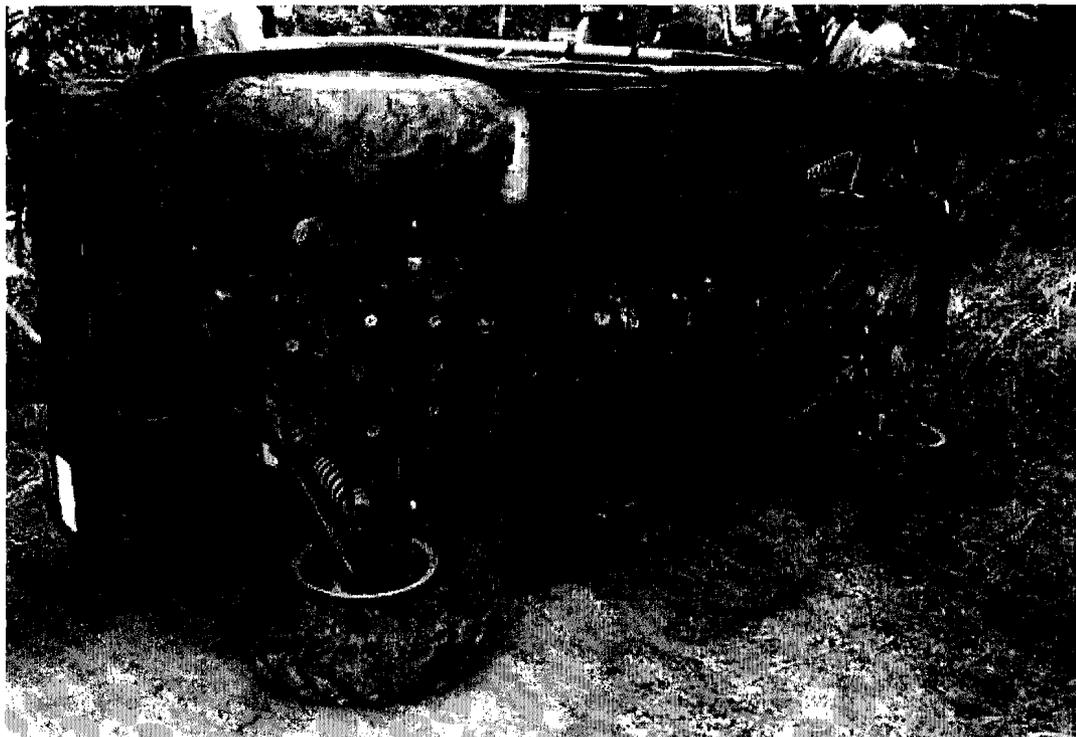


Photo #3 – View of the underside of the UTV.



Photo #4 – View of the top side of the UTV. The arrow is pointing to where the victim was found with his head near the roll away bar of the UTV.

**Exhibit #4 – Police Photographs**  
**IDI# 081106HCC3100**

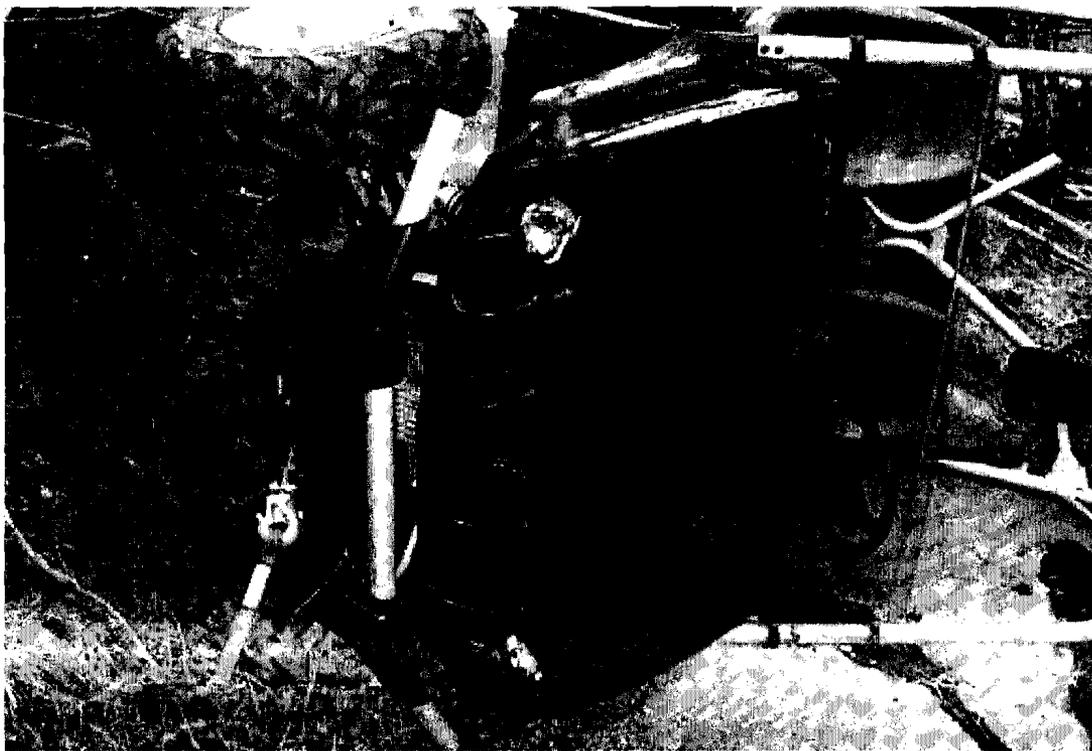


Photo #5 – View of the front end of the UTV.

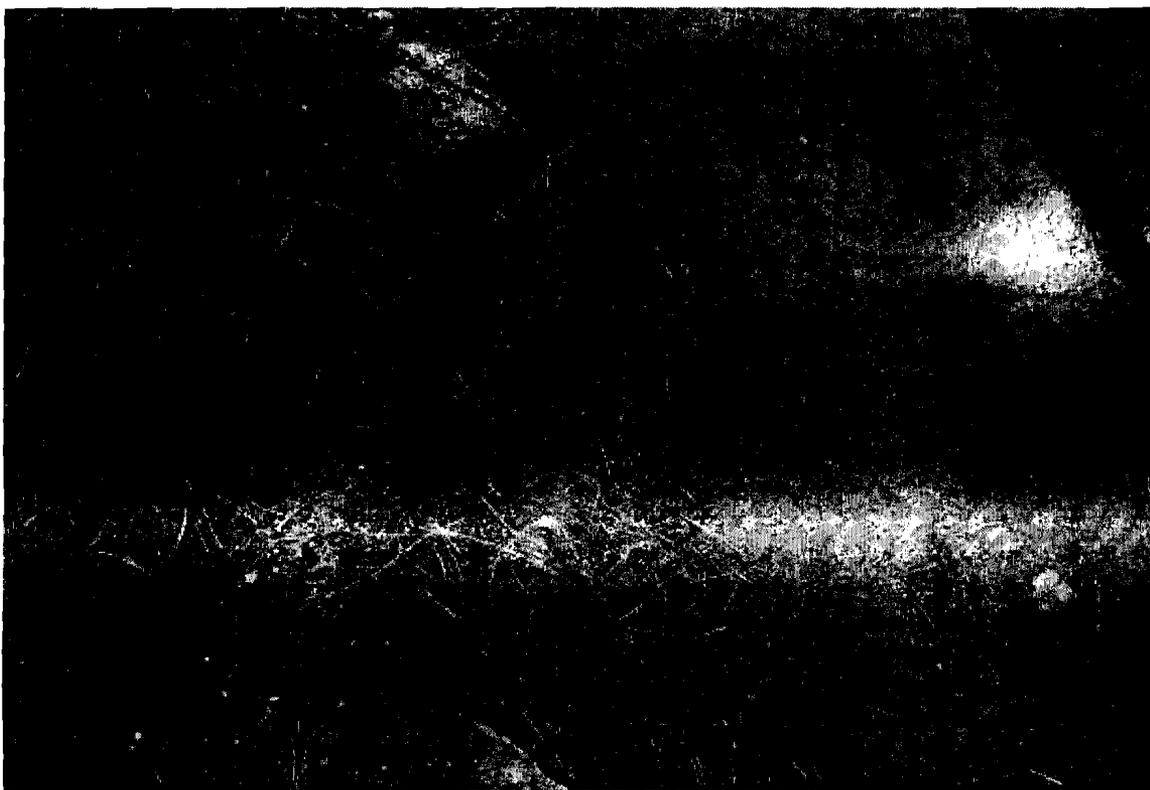


Photo #6 – View of the skid marks left by the UTV after the incident.

**Exhibit #4 – Police Photographs**  
**IDI# 081106HCC3100**

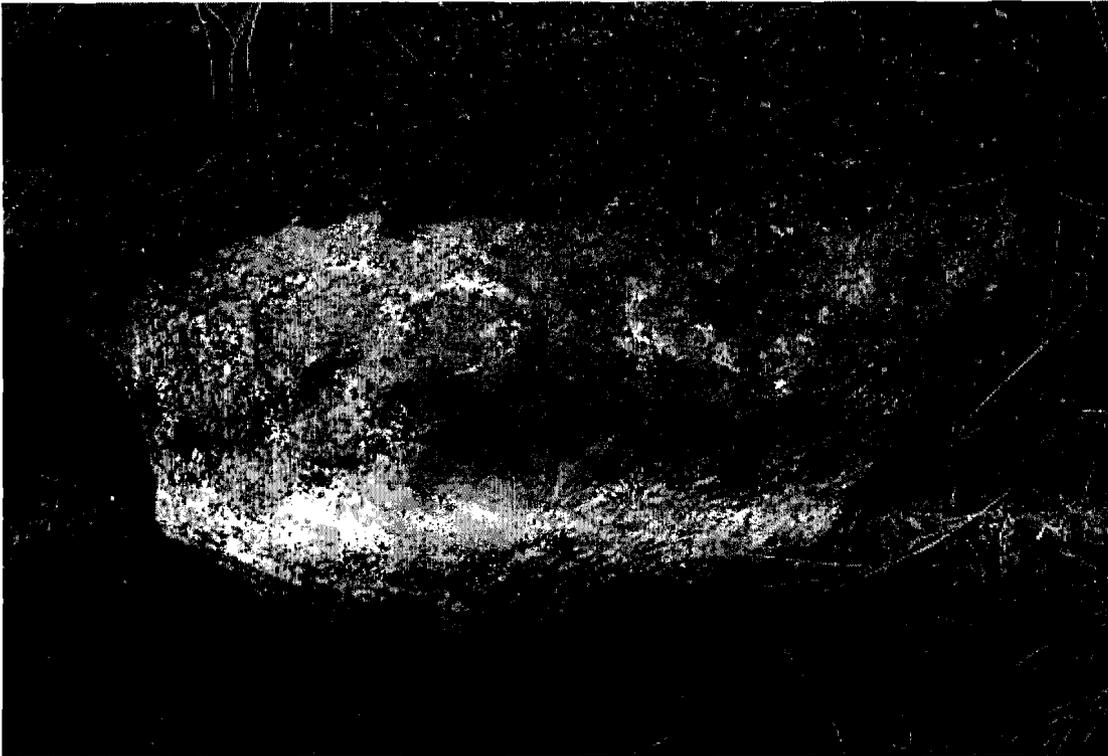


Photo #7 – Closer view of the large rock that over turned the UTV.

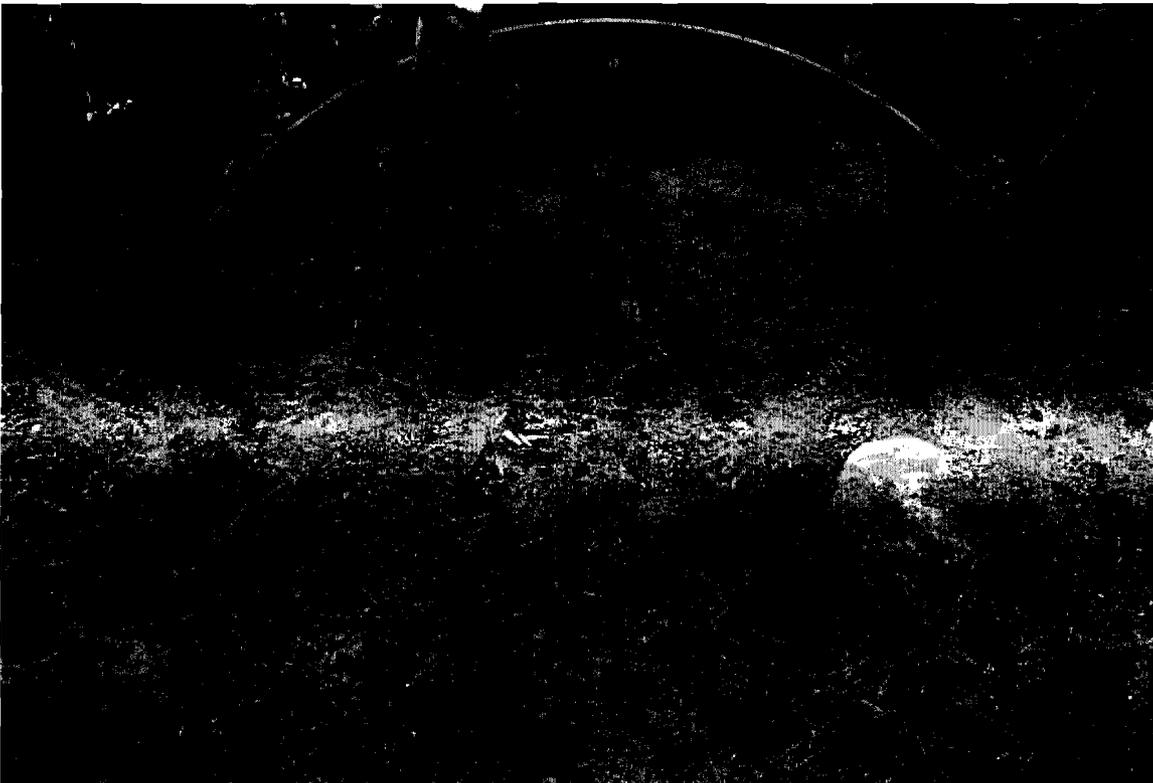


Photo # 8 – View of the location where the ATV over turned and came to rest after the incident.

**Exhibit #4 – Police Photographs**  
**IDI# 081106HCC3100**

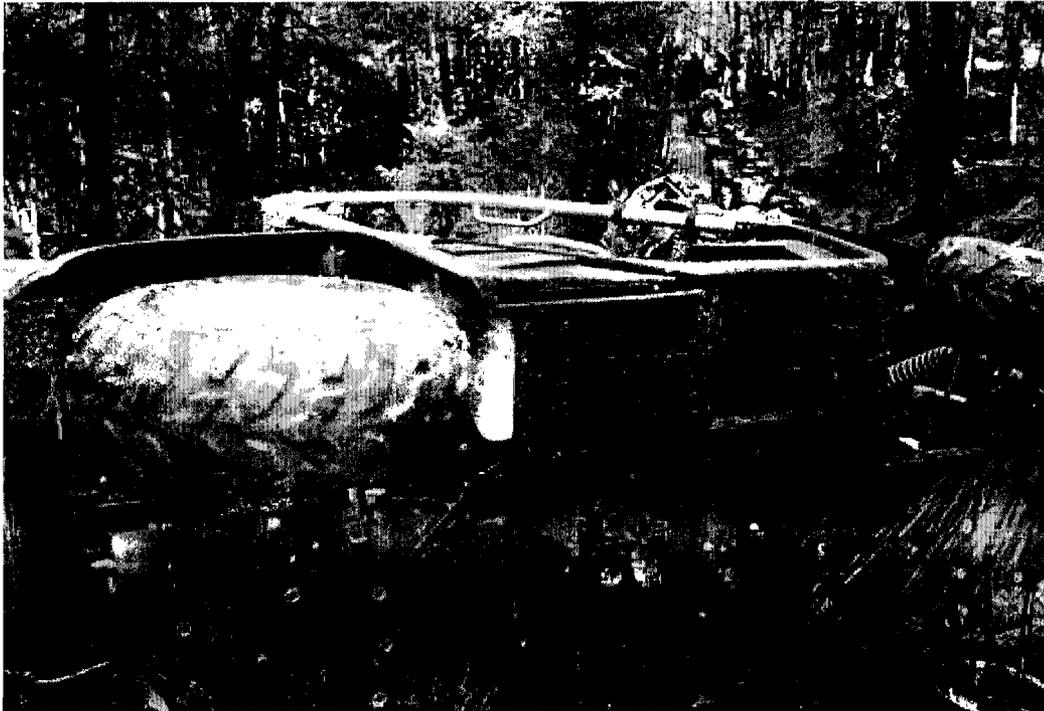


Photo #9 – View of the roadway that was used to get to the overturned UTV.

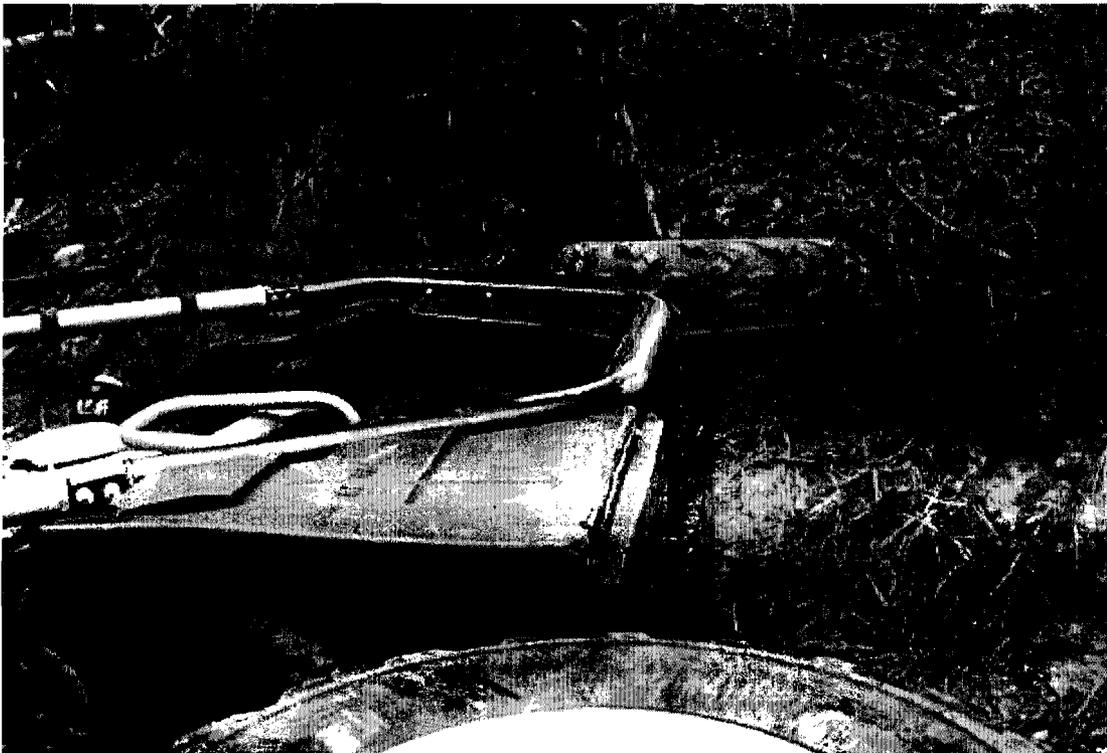


Photo #10 – This is a view of the right side of the UTV. The arrows are pointing to scrapes and scratches on the UTV.

Task Number 081106HCC3100

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

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: 02 - Yamaha	Manufacturer:

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

Model: Yamaha Rhino / VIN:

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

Model Year: 2006

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: 09/26/2007	
Age/Sex: 72/Male	/
State of Death: MONTANA	
City of Death: Clancy	
County of Death: Jefferson County	

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

A 72 year old male was riding a UTV 4-wheeler down a trail when his front wheel went up over a large rock causing the right side of the UTV to come up off the ground. When the tires came off the ground the UTV became top heavy and fell to the its left side and The victim was ejected to the ground and his head landed next to the roll bar. The victim was not wearing a helmet nor seatbelts at the time of the incident. The victim died at the scene.

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:

No    Unknown            Yes    No    Unknown

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

- 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  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  
 - One rider        3 - Three riders        9 - No riders

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

Age: 72                      Height: 69 (inches)  
Weight: 04 = 150 - 199        Sex: Male



1. Task Number 081215CCC3192		2. Investigator's ID 8953		<b>EPIDEMIOLOGIC INVESTIGATION REPORT</b>
3. Office Code 840	4. Date of Accident YR MO DAY 2008 06 23	5. Date Initiated YR MO DAY 2009 08 08		
6. Synopsis of Accident or Complaint UPC				
<p>A 52-year-old, male complainant discovered that his utility vehicle continuously veered to the right while driving at any speed and he had to counterbalance by steering left. He discovered that the vehicle frame was 1/2" shorter on the right side. The dealer replaced the frame, and the vehicle no longer veers to the right. The rear tire on the new frame toes inward, and the complainant feels this presents a safety hazard, so he has discontinued use of the vehicle. The complainant sustained no injuries.</p> <p style="text-align: center;"><b>MFR/PRVLR NOTIFIED</b></p> <p style="text-align: center;">COMMENTS: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO  <input type="checkbox"/> OVERRULED; <input type="checkbox"/> ATTACHED</p> <p style="text-align: center;"><input checked="" type="checkbox"/> EXCISIONS/FOIA EXS. _____;</p> <p style="text-align: center;"><input checked="" type="checkbox"/> DO NOT RE-NOTIFY <input type="checkbox"/> RE-NOTIFY</p> <p style="text-align: center;"><i>5/18/09</i></p>				
7. Location (Home, School, etc) 9 - SPORTS OR RECREATION PLACE		8. City BISHOP		9. State CA
10A. First Product 5044 - Utility Vehicles		10B. Trade/Brand Name YAMAHA/RHINO/MIN#5Y4AM16488A0012		10C. Model Number YXR 70FXGR
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 52	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) 20 / 0	
20. Attachment(s) 5 - Other		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 02/12/2009	25. Reviewed By 9021		26. Regional Office Director Frank J. Nava	
27. Distribution Topka, Tanya			28. Source Document Number I08C0315A	

This incident was investigated in response to an Internet complaint. The following information was obtained from the complainant via telephone. The complainant's city is located 500+ miles away in snow country at 4000 feet in elevation. Due to difficulties in traveling to his site, along with the fact that the incident vehicle has been repaired by the dealer, an on-site investigation was not conducted. Additional information was obtained from the service manager from the dealership where the vehicle was purchased.

The complainant is a 53-year-old male who is 5'11" tall and weighs 180 pounds. The complainant is in good health. Alcohol, medication or drugs are not factors in this complaint.

Other people involved in this complaint: the complainant's 47-year-old wife who is 5'9" tall and weighs 150 pounds; his 22-year-old son who is 6'4" tall and weighs 250 pounds; and his 7-year-old son who is 4'6" tall and weighs 70 pounds.

The complainant is a certified snowmobile technician. From 1988 until 2005, he owned a snowmobile dealership selling top brand snowmobiles. In 2005, he moved to his current location and opened up a rental dealership for recreational vehicles. He rents or has rented snowmobiles, all-terrain vehicles, utility vehicles, dirt bikes, motorcycles, kayaks, and other recreational items.

The incident involves a 2008 model utility vehicle that the victim purchased in June 2008 from an out-of-state dealer who is located about 200 miles away from his home. He purchased this vehicle initially for his own use with the idea of eventually renting it out to customers at his rental dealership.

The complainant had a 2006 same brand/model utility vehicle that he rode and also rented out. He recently sold this 2006 model. The complainant said that neither he nor his customers experienced any problems or incidents with the 2006 model.

The complainant said that he is very experienced in the use of recreational vehicles, such as utility vehicles, snowmobiles, all-terrain vehicles, dirt bikes and motorcycles. He took training many years ago from a dealer

when he purchased his first all-terrain vehicle, but he never took any formal training in riding utility vehicles. Prior to using the utility vehicle, the complainant said that he read and fully understood all 100+ pages of the owner's manual.

The complainant tried out the incident vehicle soon after he brought it home from the dealer, on or around 6/23/09. He first rode it on the level cement-paved parking lot surface of his rental dealership. He noted that the vehicle was leaning to the right and it felt like it wanted to tip over to the right. He then drove the vehicle on a level dirt area surface at his business location, and the vehicle continued to lean and pull to the right. He was driving at an estimated 10 to 15 mph at this time.

Afterwards, the complainant always rode the vehicle on off-highway vehicle dirt trails on dirt surfaces that were level or that had a slight incline (he could not estimate the incline angle). He said that the vehicle always pulled to the right, and he had to counterbalance it by holding the steering wheel to the left. If he was on a slight incline, he said that he had to really fight with the vehicle's tendency to pull to the right by really holding the wheel to the left.

The complainant said that from June until September 2008, he rode the vehicle for around one to two hours a week on overnight camping trips in the recreational areas located around five to six miles away from his home. During this time period, he drove about 1000 miles. The complainant was unable to tell me the total number of hours that he rode it during this time.

When not in use, the vehicle was stored in a secure, covered location at the complainant's rental store.

The complainant is the main user of the utility vehicle. His 22-year-old son drove it a couple of times. The son told the complainant that he did not like the vehicle because it kept pulling and leaning to the right and he had to fight to keep it from tipping over. The son no longer drives it. The complainant's wife drives the vehicle on occasion and she also reported to the complainant that she has to fight to keep it from leaning right and tipping over. The son and the wife always used the utility vehicle on dirt trails and they never drove it more than 25 mph.

Neither the son nor the complainant's wife experienced any tipover incidents with the vehicle.

Nobody else drove the utility vehicle. The complainant said that he had planned on renting out the utility vehicle at his rental dealership, after he broke it in and rode it around for awhile. However, he did not like the way the vehicle handled by pulling to the right, so he never did rent it out. He perceived this to be an unsafe condition and he did not want to see any of his customers get hurt while riding the vehicle.

The complainant generally rode alone, but he occasionally had his 7-year-old son or his 47-year-old wife as a passenger. He and his passenger always wore a seatbelt and a helmet.

The complainant made no after-market modifications to the utility vehicle.

The complainant said that he performed routine maintenance on the vehicle, as recommended in the owner's manual, such as keeping the tires properly inflated, changing the oil, conducting visual inspections, etc. He could not recall the dates that he performed such maintenance.

The complainant told me that he always rode his utility vehicle in a normal and very careful manner, and he never drove it recklessly or at high speeds. The complainant said that he always followed the posted speed limits, driving from 10 to 15 mph where posted. When there was no posted speed limit, he would drive at speeds of 20 to 25 mph. He said that the vehicle was harder to handle at these higher speeds, and he had to put more effort into counterbalancing the vehicle by steering harder to the left.

The complainant said that he has had several close calls involving potential tipover while driving the vehicle, but he has never experienced an actual tipover incident. He said that even though he never experienced a tipover incident, he feels that the vehicle has a great potential for tipping over. He said that, because he is a very experienced driver, he knows how to counterbalance the vehicle's tendency to pull to the right and thereby prevent any type of incident.

The complainant said that he tried to live with the problem of the vehicle leaning to the right. Then sometime in early September 2008, he decided to examine the vehicle in order to determine if there was a reason why it was leaning to the right. The complainant took the front and rear panels off of the utility vehicle in order to access and examine the frame. He inspected the frame from various angles and he measured all four corners. He discovered that the frame of the vehicle was lower on the right side, and he realized that this was the reason that the vehicle was pulling to the right.

In early September, the complainant said that he contacted the utility vehicle dealer and he advised of the problem that he experienced with the vehicle and of his inspectional findings. The dealer told him to bring the vehicle in for an inspection by the service department. The complainant said that he loaded the utility vehicle on his truck and drove it 200 miles to the dealer.

The complainant said that the service department agreed with his findings that the frame was lower on the right side, and the service manager told him he would contact the manufacturer regarding a possible repair under warranty. The manager later advised the complainant that the manufacturer refused to repair the vehicle because there was no safety issue involved. The complainant said that he then kept calling the manufacturer directly asking the firm to replace the frame of his utility vehicle under warranty because he felt that it presented a safety hazard. He said that after many phone calls to the manufacturer, the firm finally agreed to authorize a frame replacement under warranty.

The complainant said that it took about six weeks to get the frame replaced. The repair cost was about \$3000 but the complainant was not charged since it was a warranty repair. The complainant said that the dealer delivered the repaired utility vehicle to him sometime in November 2008. He also received an extended six-month warranty on the new frame.

Upon taking possession of the utility vehicle (with its new replacement frame), the complainant conducted a visual inspection. He discovered that shock bolts were missing and about six nuts and bolts were also missing in the area where the floorboard attaches to the frame. Further visual

examination of the vehicle at this time revealed that the rear tire "toes-in" where the tire mounts to the frame, making the vehicle "pigeon-toed", according to the complainant.

The complainant called the dealer and told him to pick up his utility vehicle and fix the problem. The dealer picked up the vehicle sometime in November 2008 from the complainant's business location, and drove it back to the dealership for repair. The service manager advised the complainant that they would replace any missing bolts but they could not repair the "toe-in" issue because the manufacturer would not authorize the repair. The complainant contacted the manufacturer directly regarding this problem, and the firm advised him that there is nothing else that they will do for him.

The dealer returned the vehicle to the complainant in November 2008. The complainant examined the vehicle and he found that the dealer installed the missing bolts in the area of the shocks, but the dealer had not installed the missing nuts/bolts in the floorboard area. The complainant said that he was fed up by this time, so he went to the hardware store for replacement nuts/bolts and he put them on the floorboard area himself.

After getting the vehicle back from the dealer this second time, the complainant rode the vehicle about ten miles one day and about 50 miles another day. He rode on a flat dirt road, going in a straight direction each time. The complainant said that since replacement of the frame, the vehicle is drivable and it does not lean to the right anymore. However, he feels that the "toe-in" problem with the new frame presents a safety hazard, and he is afraid to drive the vehicle as is.

The complainant told me that while the vehicle was at the dealership awaiting the first repair, sometime around October 2008, he began to see many industry magazine articles, news reports and Internet accounts about rollover issues with his brand/model utility vehicle. He discovered that there have been many injuries and deaths involving his brand/model vehicle. These articles greatly concerned him and he wondered about the safety of his vehicle. As a result of the media reports and the current "toe-in" condition of his vehicle, he decided to discontinue use of the vehicle. The vehicle is currently in storage.

On 12/12/08, the complainant decided to notify CPSC of the problems that he has experienced with his utility vehicle. He said that he feels that his vehicle is unsafe to drive, even with the new frame, and the dealer and manufacturer have refused to make any additional repairs to render it a safe vehicle. He said that he has passionately expressed his safety concerns to the manufacturer to no avail.

I contacted the utility vehicle dealership and spoke to the service manager, who reported the following details to me. The complainant brought the vehicle into the dealership on 9/9/08. The manager noted that there was a big "rental" sticker on the vehicle at the time, and it made him wonder what the complainant had been doing with the vehicle and what driving conditions it had been subjected to. The manager said that the service department determined that one fender was lower than the other and the diagnosis is listed as "lean" on the work order. The manager told me that the work order also stated that the "suspension is 1/2-inch lower on the passenger side" and that the "customer has maintained proper tire pressure at all times". He said that the manufacturer refused to repair the vehicle under warranty because the firm felt that this was a cosmetic issue that did not affect the vehicle's performance, and that it did not present a safety hazard. The manager told me that he agrees with the manufacturer's determination. The complainant's vehicle sat in his shop for about six weeks until the manager received word from the manufacturer to go ahead and replace the complainant's frame under warranty. The manufacturer's rep told the manager that the complainant kept calling the firm, so they decided to replace the frame as a good will gesture, even though they felt that the problem was only cosmetic. The repair was conducted on/around 10/23/08, which is the "close" date listed on the work order record.

I asked the dealer about the second repair to the complainant's utility vehicle involving the missing bolts. The manager told me that he had the vehicle picked up at the complainant's location and returned to the dealership. Inspection reviewed one loose bolt on the rear swing bar, which the service department tightened. This was an internal repair, and the manager said that there is no repair record for this fix. I asked him about the six missing bolts on the floorboard. The manager said that they never found any missing bolts, as the complainant alleged.

I asked him about the "pigeon-toe" or "toe-in" problem noted by the complainant. The manager said that he checked this alleged problem and it appeared to be fine. He took digital pictures of the vehicle and emailed them to the manufacturer. The manufacturer advised the manager that the "toe-in" (in which the rear tire "toes-in" where it mounts to the frame) is not a problem and it is well within tolerance, and the manufacturer would not authorize repair. The manager stated that he agrees with the manufacturer, and he feels that this issue is not a safety hazard.

I asked the manager if the service department ever performed any routine maintenance on the vehicle, such as oil changes. He stated no, and he does not know who performed routine maintenance on the vehicle. The manager told me that after he returned the utility vehicle to the complainant the second time, he has had no additional contact with him.

The service manager concluded that he feels that the complainant's utility vehicle is safe to drive, and he added that he suspects that the complainant may have had buyer's remorse after purchasing the vehicle.

I asked the service manager for the complainant's repair records, digital photographs of the vehicle, and his email correspondence to/from the manufacturer regarding the "toe-in" problem. The information was not received.

**PRODUCT IDENTIFICATION:**

The product involved in the incident is a utility vehicle. The brand is Yamaha. The model is Rhino. The model number is YXR70FXGR. The original VIN is 5Y4AM16488A001230. The service manager stated that even though the vehicle has a new frame, it is still assigned the original VIN. The engine is 700cc. The color is green. The manufacturer is Yamaha Motor Corporation, 6555 Katella Ave., Cypress, CA 90630.

The complainant purchased the utility vehicle on 6/23/08 from Michael's Reno in Reno, Nevada. The complainant said that he would sent the sales invoice (showing price paid) at a later date, but he failed to provide the information.

The 2008 model utility vehicle is advertised on the manufacturer's website [www.yamaha.com](http://www.yamaha.com) (exhibit 1). Product

specifications are as follows: The vehicle size is 113.6 x 54.4 x 73 inches. The wheelbase is 75.2". The turning radius is 153.5". The ground clearance is 12.1". The fuel capacity is 7.9 gallons. The bed capacity is 400 pounds. The engine type is 686cc liquid-cooled with fan, 4-stroke, SOHC, 4 valves. The carburetion is Yamaha Fuel Injection, 41mm. The starting system is electric. The ignition system is 32 bit ECU. The drive train is Yamaha On-Command pushbutton; 3-way locking differential; 2WD, 4WD, locked 4WD; shaft drive. The front and rear suspensions are independent double wishbone; 5-way preload adjustment, 7.3-in travel. The front brakes are dual hydraulic disc, twin piston. The rear brakes are dual hydraulic disc. The front tires are AT25x8-12 NHS. The rear tires are AT25x10-12NHS.

The complainant told me during the initial interview that the owner's manual was too big to copy and send to me. A copy was downloaded from the manufacturer's website at <http://www.yamaha-motor.com/outdoor/service/viewmanuals/viewmanuals.aspx?ls=outdoor> (exhibit 2). Note that the owner's manual is password protected and is therefore attached as a separate attachment to this report.

I requested the following information from the complainant: all repair records, the sales invoice, and photographs of the utility vehicle (with the old frame and the replacement frame). Sometime after our interview, the complainant left me a message and stated that he and his family are going through a devastating personal tragedy, and he cannot focus enough to send me the requested information. He apologized and said that the information would not be forthcoming.

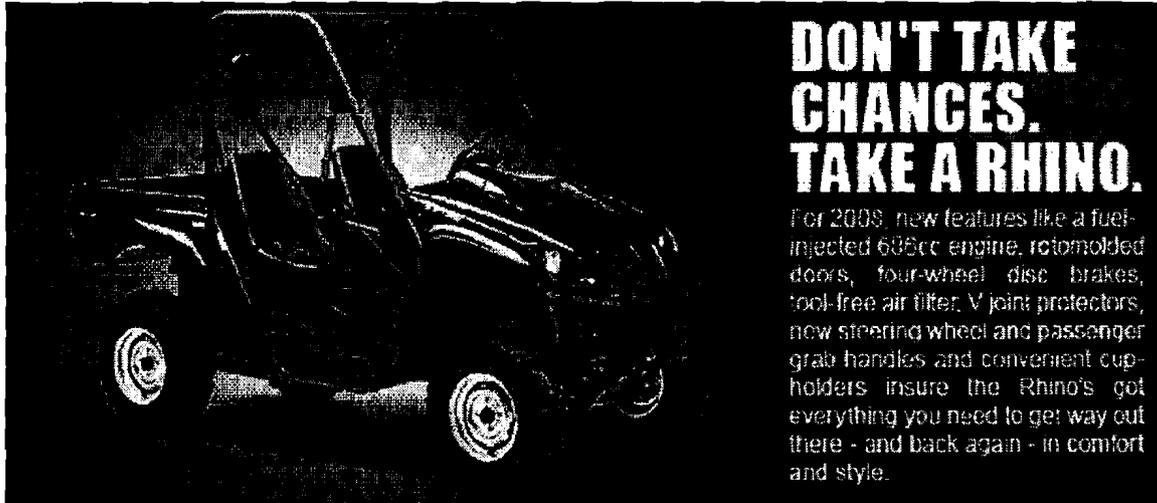
The complainant authorized release of name to the manufacturer only.

**EXHIBITS:**

1. Online advertisement for product (2 pages).
2. Owner's manual (178 pages).

## 2008 Rhino 700 FI Auto. 4x4

[Model Home](#) [Features](#) [Specs](#) [Gallery](#) [Video](#) [Accessories](#) [Build Your Own](#)



### DON'T TAKE CHANCES. TAKE A RHINO.

For 2008, new features like a fuel-injected 686cc engine, rotomolded doors, four-wheel disc brakes, tool-free air filter, V joint protectors, new steering wheel and passenger grab handles and convenient cup-holders insure the Rhino's got everything you need to get way out there - and back again - in comfort and style.

**MSRP\*** \$10,499 (Hunter Green) Available from October 2007  
\$10,499 (Red) Available from October 2007  
\$10,949 (Realtree® AP HD™ Camouflage) Available from November 2007

Type	686cc liquid-cooled w/fan, 4-stroke; SOHC, 4 valves
Bore x Stroke	102.0 x 84.0mm
Compression Ratio	9.2:1
Carburetion	Yamaha Fuel Injection (YFI) , 41mm
Ignition	32 Bit ECU
Starting System	Electric
Transmission	Yamaha Ultramatic® V-belt with all-wheel engine braking/H, L, N, R
Engine Braking	All Wheel
Drive Train	Yamaha On-Command® pushbutton; 3-way locking differential; 2WD, 4WD, locked 4WD; shaft drive
Suspension/Front	Independent double wishbone; 5-way preload adjustment, 7.3-in travel
Suspension/Rear	Independent double wishbone; 5-way preload adjustment, 7.3-in travel
Brakes/Front	Dual hydraulic disc, twin piston

Exhibit 1 – Manufacturer’s online advertisement 081215CCC3192  
from www.yamaha-motor.com

Brakes/Rear	Dual hydraulic disc, twin piston
Tires/Front	AT25x8-12 NHS
Tires/Rear	AT25x10-12 NHS

**Dimensions**

L x W x H	113.6 x 54.4 x 73 in
Wheelbase	75.2 in
Turning Radius	153.5 in
Ground Clearance	12.1 in
Fuel Capacity	7.9 gal
Dry Weight	1124 lb
Bed Capacity	400 lb
Towing Capacity	1212 lb

**Other**

Lighting	Dual 30W Krypton multireflector headlights & dual 21/5W brakelight
Instrumentation	Digital LCD Multi-function display; speedo, odo, dual trip, hour, clock, fuel, and gear position
Warranty	6 Month (Limited Factory Warranty)

CONTACT LIST

Russell Markman (Complainant)  
107 S. Main St.  
Bishop, CA 93514  
760-914-0937  
Contact: 1/15/09, 1/16/09

Michael's Reno  
Reno, NV  
774-825-8680  
Dave Nadeau - Service Manager  
Email: dnadeau@mrpsrno.com  
Contact: 2/10/09

Websites checked for product information:

[www.google.com](http://www.google.com)

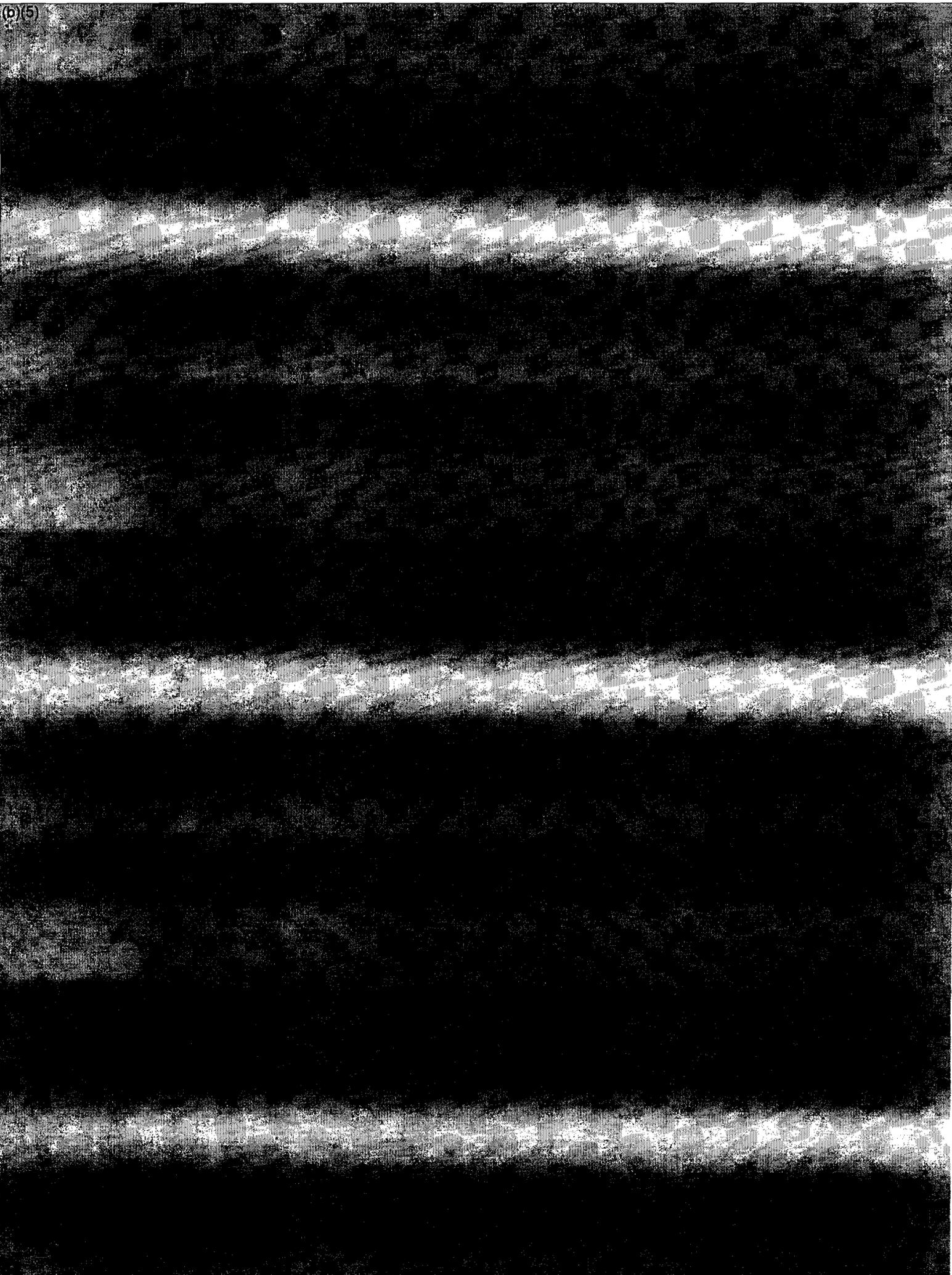
[www.yamaha-motor.com](http://www.yamaha-motor.com)

[www.atvriders.com](http://www.atvriders.com)

Complainant first contacted the dealer to advise of the incident in September 2008.

Complainant first contacted the manufacturer in September 2008, and various times in Sept and October 2008 - he spoke to Sean Ryan who authorized the replacement frame.

Complainant spoke to Mr. Ryan several times again in November 2008 and he last spoke to Jake Singh requesting additional repair - the representatives would not authorize repair. He called Mr. Singh again on 1/15 for an update, and was told that Mr. Singh and everyone else in customer service were laid off except for Sean Ryan. Complainant did not speak to Mr. Ryan at this time and he has had no further contact with the manufacturer.



**Doc No: I08C0315A**

**Issue: 12**

**12/16/2008**

12/12/2008 12:08:13

Name = russell markman  
Address = 107.s. main st  
City = bishop  
State = California  
Zip = 93514  
Email = sierraengine@snomobiles.com  
Telephone = 760-914-0937  
Name of Victim = RUSSELL MARKMAN  
Victim's Address = 107 S. MAIN ST  
Victim's City = BISHOP  
Victim's State = California  
Victim's Zip = 93514  
Victim's Telephone = 760-914-0937

Incident Description = AFTER PURCHASING AND DRIVING MY BRAND NEW YAMAHA RHINO, I NOTICED THE HANDLING AND PERFORMANCE OF THE RHINO TO BE UNSAFE. UPON MY INSPECTION OF THE UNIT, I DISCOVERED THE FRAME WAS LEANING TO THE RIGHT, AND THE MACHINE WAS LOWER ON THE RIGHT SIDE, THEREFORE PULLING THE UNIT TO THE RIGHT WHEN BEING OPERATED. I HAVE READ MANY STORIES OF THE "YAMAHA RHINO BEING AN UNSAFE VEHICLE DUE TO IT CONTAINING MULTIPLE DESIGN FLAWS RENDERING IT DANGEROUSLY UNSTABLE AND UNDULY PRONE TO TIPPING AND ROLLING OVER." I HAVE SINCE READ THAT THE YAMAHA RHINO IS UNDER INVESTIGATION BY FEDERAL SAFETY OFFICIALS, DUE TO THE HIGH NUMBER OF PRODUCT LIABILITY SUITS, AS WELL AS THE NUMBER OF ACCIDENT AND DEATH REPORTS FILED. AFTER SEVERAL ATTEMPTS WITH THE DEALER AND YAMAHA CORPORATE, INCLUDING A NEW FRAME BEEING INSTALLED, TO GET THIS UNIT SAFE, I HAVE BASICALLY BEEN TOLD BY YAMAHA THERE IS NOTHING THEY WILL DO FOR ME. THIS UNIT IS STILL UNSAFE TO DRIVE, AND I HAVE PASSIONATELY EXPRESSED MY CONCERN OF INJURY OR DEATH TO MY FAMILY OR MYSELF TO YAMAHA.

Victim's age at time of incident = 52  
Victim's sex = male  
Date of incident =  
Product involved = UTV...UTILITY TERRAIN VEHICLE  
Product brand name/manufacturer = RHINO/YAMAHA  
Manufacturer street address = 6555 KATELLA AVE CYPRESS CALIFORNIA  
Place where manufactured (City and State or Country) = UNKNOWN TO ME  
Product model and serial number, manufacture date = YFR 70FXGR  
Product damaged, repaired or modified = no  
If yes, before or after the incident =  
Description of damage, repair or modification = TWEAKED FRAME/FRAME REPLACED  
Date product purchased = 6/23/2008  
Product involved still available = no  
Have you contacted the manufacturer = yes  
If not, do you plan to contact them =  
Name Release = Release name to manufacturer only

1. Task Number 080905CNE3738		2. Investigator's ID 2259		<b>EPIDEMIOLOGIC INVESTIGATION REPORT</b>
3. Office Code 810	4. Date of Accident YR MO DAY 2007 07 05	5. Date Initiated YR MO DAY 2008 09 09		
6. Synopsis of Accident or Complaint <b>UPC</b>  Two 36 year old males were injured, one severely, when the side by side off road utility vehicle they were riding in rolled over onto the passenger side. The incident occurred on a level dirt lot. The passenger received multiple fractures to his leg and wrist and is still undergoing multiple surgeries to correct the injuries. Neither victim was wearing a helmet or seatbelt.  <b>MFR/PRVLBR NOTIFIED</b>  COMMENTS: <u>  </u> YES <input checked="" type="checkbox"/> NO <u>  </u> OVERRULED; <u>  </u> ATTACHED  <u>  </u> EXCISIONS/FOIA EXS. <u>  </u> ;  <input checked="" type="checkbox"/> DO NOT RE-NOTIFY <input type="checkbox"/> RE-NOTIFY  <i>Mr 5/18/09</i>				
7. Location (Home, School, etc) 5 - OTHER PUBLIC PROPERTY		8. City IDAVILLE		9. State TN
10A. First Product 5044 - Utility Vehicles		10B. Trade/Brand Name YAMAHA		10C. Model Number RHINO 450 YXR45F
10D. Manufacturer Name and Address YAMAHA MOTOR CORPORATION, USA/VIN #5Y4AJ19Y76A006176 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 36	13. Sex 1 - Male	14. Disposition 4 - Hospitalized	15. Injury Diagnosis 57 - Fracture	
16. Body Part(s) Involved 36 - LOWER LEG	17. Respondent 1 - Victim/Complainant	18. Type of Investigation 1 - On-Site	19. Time Spent (Operational / Travel) 21 / 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 type="radio"/> Yes <input type="radio"/> No <input checked="" type="radio"/> Verbal <input type="radio"/> Yes for Manuf. Only				
24. Review Date 10/23/2008	25. Reviewed By 2147		26. Regional Office Director Dennis R. Blasius	
27. Distribution Blasius, Dennis; Hartman, Jason; Topka, Tanya			28. Source Document Number I0890076A	

This investigation was initiated as the result of a consumer complaint. Two victims were injured, one severely, when the side by side off road vehicle they were riding in turned over on to the passenger side during a slow speed turning maneuver. The victims are the son and son-in-law of the complainant. Information was obtained from the complainant, one victim (Victim #1, the driver, via telephone), an attorney representing the other victim (Victim #2, the passenger), the owner of the involved side by side off road vehicle (via telephone), and by viewing related internet web sites. The attorney for victim #2 would not allow him to speak with me but did provide an approximately 250 page transcript of a deposition completed by his client. (Not Attached) No official police investigation was conducted at the scene. I completed an on site investigation and the involved vehicle was examined.

Victim #1 was operating a temporary, seasonal road side fireworks business along with his wife and a friend. The retail operation was housed in an approximately 20' X 20' tent on a partially developed dirt lot at TN-14 and Atoka Idaville Roads near Idaville, TN. They parked an RV next to the tent so they could stay at the location while it was in operation. A portable generator was used as a source for electricity for the fireworks tent. Victim #2 was not involved in the business but had come by on the day of the incident to help them close the operation down. The involved side by side ATV was borrowed from a friend by victim #1 to be used as transportation around the lot and to a nearby convenience store and friend's home. Victim #1 had no previous experience with a side by side ATV but had been driving it daily around the business location without incident for approximately 2 ½ weeks prior to this incident.

The incident occurred on July 5, 2007 in the afternoon. The weather was hot and dry the day of the accident. The dirt lot the accident occurred on was in the process of being developed and built up for new commercial construction. Most of the lot had been graded and compacted to some extent. The area where the accident occurred was principally level.

Victim #1 (36 year old male 6'4" 340 lbs) and his wife were at the fireworks tent when victim #2 (36 year old male 6'2" 160 lbs) arrived to assist them some time in the early afternoon. This was the day after the fourth of July holiday and was their last day of operation for this season. Business was sporadic. At one point, victim #1 and victim #2 decided to take a ride in the side by side vehicle as victim #2 had never been in one. There was one set of customers in the tent shopping. Victim #1 asked victim #2 to go out and shut off the portable generator when the customers left as they were trying to conserve gasoline expense. Victim #1 told victim #2 he would come around and pick him up in the side by side and take him for a ride. Victim #2 waited by the generator as victim #1 drove around to pick him up. This would have been near a back corner of the tent. (Exhibit #2 Photo B)

Both victims were wearing shorts and t shirts. Victim #2 was wearing sandals. It is unknown what foot wear victim #1 was wearing. Neither victim was wearing a helmet or seatbelt. They were the only two occupants and there was no cargo in the cab or the bed of the side by side and there were no trailers or other equipment being towed.

They began driving along the back side of the tent and made a left hand turn as they cleared the corner of the tent. There is some disparity between victim #1 and victim #2 regarding how far they traveled at this point. Victim #2 says they continued along the side of the tent and then began making a second left hand turn toward the front. Victim #1 says the incident occurred during the first left hand turn after clearing the back of the tent. Victim #1 said he was traveling at a steady speed he estimated about 10-15 mph and was not accelerating or decelerating when the tipping began. He said the steering wheel was not at a full lock and he had made no drastic movements with the wheel. He indicated he had been driving the vehicle in a similar manner and on that same path several times for the 2 ½ weeks prior to this incident with no problems.

Both victims state the vehicle suddenly tipped over onto the passenger side. Neither felt any bump, sliding, or other trigger mechanism for a roll over prior to tipping. They stated they just suddenly realized and were surprised that they were going over. Victim #1 had both hands on the steering wheel and said he doesn't know how or if he reacted when he realized he was tipping. Victim #2 said that as the driver's side lifted up in the air he felt victim #1 slide into him. Victim #2 also stated he was holding on to an available hand rail with his right hand during the entire time he was in the side by side. It is never specified in his deposition which bar he was using. There is one on the roll bar which sits at approximately the same height as the head rests along the interior edge of the vehicle roll bar. (Exhibit #3 Photos A & B) There is also one that rises slightly above the outside edge of the passenger seat. (Exhibit #3 Photo C) He said as they tipped up he grabbed onto that same bar with both hands. Victim #2 stated his feet were flat on the floor boards. The outside edge of the vehicle at the floor boards is open to the exterior. (Exhibit #3 Photos C & F)

The vehicle tipped onto its right side and came to a stop. Victim #1 was thrown from the vehicle. Victim #2 was on the ground with the vehicle on top of his right leg. He was unable to move the leg. Victim #1 ran to the RV and had his wife call 911 and then returned to the vehicle and lifted the vehicle up with one hand and pulled victim #2's leg out from underneath it with the other. Both victims were transported by ambulance.

Victim #1's injuries included a large area of swelling and bruising on the inside of his left thigh. He has healed without extensive medical treatment.

Victim #2 received fractures to his right wrist and both the tibia and fibula of his right leg. The entire skin layer was removed (de-gloved) exposing muscle and connective tissues from the right knee to the right ankle. Victim #2 continues to undergo surgeries and skin grafts to correct these problems. He has metal plates in his right leg supporting the bone and is undergoing multiple surgeries to try to rejuvenate and repair the bone.

The involved vehicle has not been driven since this incident. It was put onto a trailer and transported to victim #1's home. It has been parked outside in the back yard since. The complainant has purchased the vehicle from the original owner in the mean time at the suggestion of victim #2's attorney.

I completed an on-site investigation and physical examination of the involved vehicle. I also spoke with the original owner of the vehicle. The original owner indicated he had made no modifications nor added any accessories to the vehicle since its purchase. Measurements of the vehicle completed at the time of my inspection were congruent with specifications in the owner's manual. The tires on the vehicle also matched the size and manufacturer listed as original equipment in the owner's manual. The original owner did say he had damaged the body plastic below the gas filler loading the vehicle into a trailer the day he bought it. Aside from that there had been no damage to the vehicle before he loaned it. He had used the vehicle approximately 4-5 hours before loaning it. I did notice damage to the passenger side of the vehicle beyond that which the original owner described including broken body panels and scrapes on the roll cage (Exhibit #3 Photos F thru K)

The scene where the incident actually occurred was no longer in the same physical condition as when it occurred. There has been new construction and ground moving work completed on it now. The complainant had aerial photographs of the incident scene which depicted it shortly after the occurrence. The tent, RV, and generator had been removed already but there is a darkened area in the photos depicting the tent location due to straw that was put on the ground as a floor surface for the tent and entryway. He supplied me with those. (Exhibit #2 Photos A & B) I included mark ups on the photos to assist in describing the incidents events and locations.

Victim #2 has filed civil suit against the manufacturer of this product. His attorney is approaching nearly 100 cases involving product liability claims with this vehicle and the complainant says he has located internet information referencing approximately 300 filed and/or resolved law suits. He supplied me with an index list he says is approximately 230 U.S. cases related to this product. (Exhibit # 6) Some of the arguments being used in the law suits are related to design including: A propensity to overturn during certain low speed turning maneuvers due to an alleged too narrow wheelbase and high center of gravity using the National Highway Traffic Safety Administration's (NHTSA) Static Stability Factor (SSF) and other analysis and the lack of a rear differential. Other claims involve early models having no doors and inadequate handholds. Exterior doors and internal handholds are now standard equipment on current models of this vehicle. An additional claim is that the roll bar itself creates more injury threat than it prevents.

One of the internet sites I visited included a letter purportedly sent out to owner's of this vehicle advising them of a new warning label that was being made available for the vehicle. (Exhibit #4). The complainant provided me with a copy of a warning label he says is the one referenced in the letter (Exhibit #5) Another site shows what it claims to be actual consumer complaint logs from the manufacturer. This is referenced in the contacts page exhibit but is not included as an attachment due to the size of the document.

An owner's manual is not included as an attachment to this report but I was able to view the owner's manual for this model year as a "read only" document where it is available on the manufactures web site.

**PRODUCT IDENTIFICATION:**

The product involved in this incident is a 1996 Yamaha Rhino 450cc off-road, side by side utility vehicle. Its model number is YXR45FAV and its VIN number is 5Y4AJ19Y76A006176.

This is a 4 wheeled, front engine, automatic transmission, 4 wheel drive vehicle which holds two passengers in two bucket seats separated by a center console. The vehicle is equipped with two seat belts. The seat belts have the following tag information on them:

AMSAFE Commercial products  
Elkhart, IN  
Part number I-3500-02  
Date 06-25791

Conforms to FMVSS 209  
Conforms to FMVSS 302

There are other illegible markings on the seatbelt tag

There is a front mount engine and a pick up style dump bed on the back with a drop down tailgate. There are two head lights and two tail lights on the vehicle. Steering is controlled with a steering wheel and acceleration and brakes are controlled with foot pedals. There are no doors. The vehicle is equipped with a roll cage. The roll cage has the following warning label affixed to it:

WARNING! The enclosure cannot protect occupants in all foreseeable accidents including rollover.

The following warning label is attached to the center face of the dash:

Improper use can result in severe injury or death.

This off-highway utility vehicle will handle differently from an ordinary passenger car or other vehicle

Vehicle capacity: one operator and one passenger. Passenger must be able to reach and hold the hand grip inside the enclosure.

Gross vehicle rating 2000 lbs (907kg) maximum including operator, passenger, accessories, cargo, and trailer tongue weight.

Passenger and cargo can affect vehicle handling

ALWAYS

Wear a seatbelt when riding in the vehicle

Keep your hands and feet inside the vehicle at all times – watch for branches brush or other hazards that could enter the vehicle.

Drive straight up and down inclines – driving across the side of an incline increases the risk of overturn

#### NEVER

Operate through water deeper than 13” (33cm) or fast flowing water – if you must cross shallow slow moving water, chose your path carefully to avoid sharp dropoffs, large rocks, or slippery surfaces that could cause the vehicle to overturn.

Make sharp - high speed turns – the vehicle could roll over or go out of control.

#### ***Specifications:***

Overall Width:	113.6”
Overall Length:	54.5”
Overall Height:	73.0”
Seat Height:	32.2”
Wheelbase:	75.2”
Ground Clearance:	11.02”
Minimum Turning Radius:	153.5”
Dry Weight:	1,105 Lbs

#### ***Engine:***

Carbureted, Liquid Cooled, 4 stroke single overhead cam forward inclined single cylinder.

Displacement:	421.0 cubic centimeters
Bore X Stroke	84.5 X 75.0 mm (3.33 X 2.95 inches)
Compression Ratio:	10.00: 1
Starting System:	Electric Starter
Lubrication System:	Wet Sump
Fuel:	Unleaded Gasoline
Fuel Tank Capacity:	6.6 Imperial Gallons 7.93 U.S. Gallons

#### ***Transmission:***

Primary Reduction System:	V-Belt
Secondary Reduction System:	Shaft Drive
Secondary reduction Ratio:	43/20 X 24/17 X 33/9 (11.129)

Transmission Type: V-Belt Automatic  
Reverse Gear: 30/15 (2.000)  
Sub transmission Ratio: Low 43/18 (2.389)  
High 39/22 (1.773)

***Chassis:***

Frame Type: Steel Tube Frame  
Castor Angle: 5 degrees  
Trail: 26 mm (1.02")

***Tire:***

Type: Tubeless  
Size Front: 25 X 8-12NHS  
Rear: 25 X 10-12NHS  
Manufacturer: Maxxis

***Brakes:***

System: Front and Rear Unified  
Type: Front: Dual Disk  
Rear: Single Disk

***Suspension:***

Front and Rear: Double wishbone

***Shock Absorber:***

Front and Rear: Coil spring / Oil Damper

***Wheel Travel:***

Front and Rear: 185.0 mm (7.28")

**MANUFACTURER:**

Yamaha Motor Corporation USA  
6555 Katella Ave  
Cypress, CA 90630-5101  
(714) 761-7300  
<http://www.yamaha-motor.com/>

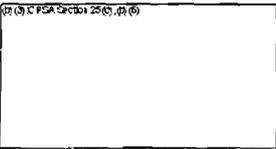
**RETAILER:**

Yamaha of Millington  
7705 US Highway 51 N  
Millington, TN 38053-2255  
Ph: 901-873-2914  
Fax: 901-873-2916

**ATTACHMENTS:**

- Exhibit #1: Contacts
- Exhibit #2: Aerial photographs of incident scene (2 photos)
- Exhibit #3: Photographs of involved product (24 photos A thru X)
- Exhibit #4: Letter from website
- Exhibit #5: Warning Label
- Exhibit #6: Index of court cases

**Contacts:**

- 1: Tom Presgrove – Complainant (contacted 09-11-08) - Agreed to release of name.  
81 Sommersby  
Jackson, TN 38305  
(731) 660-4611
  
- 2: Gary Logan – Attorney for Victim #2 (Contacted 09-24-08)  
4550 California Avenue  
2nd Floor  
Bakersfield, CA 93309  
(661) 395-1000
  
- 3:  Victim #1 (contacted 10-02-08)
  
- 4:  original owner (Contacted 10-20-08)

Information obtained from following web sites:

<http://www.yamaharhinoaccidents.com/> (letter obtained form this site)

[http://www.yamaha-rhino-information.com/Site\\_3/Introduction.html](http://www.yamaha-rhino-information.com/Site_3/Introduction.html) (site contains alleged manufacturer consumer complain logs from a court case, rhino advertising videos)

[http://www.yamaha-motor.com/outdoor/service/viewmanuals/outdoor\\_manuals.aspx](http://www.yamaha-motor.com/outdoor/service/viewmanuals/outdoor_manuals.aspx) (viewed owners manual)

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The red outline depicts the approximate area shown in photograph B. The scale and shape of the red outline will not match the image as the two images were taken from different angles, elevations, and/or magnifications.



The markings identified in the callouts are located on the north side of the road. The markings are located on the north side of the road.

Callout 1



Fireworks Trail

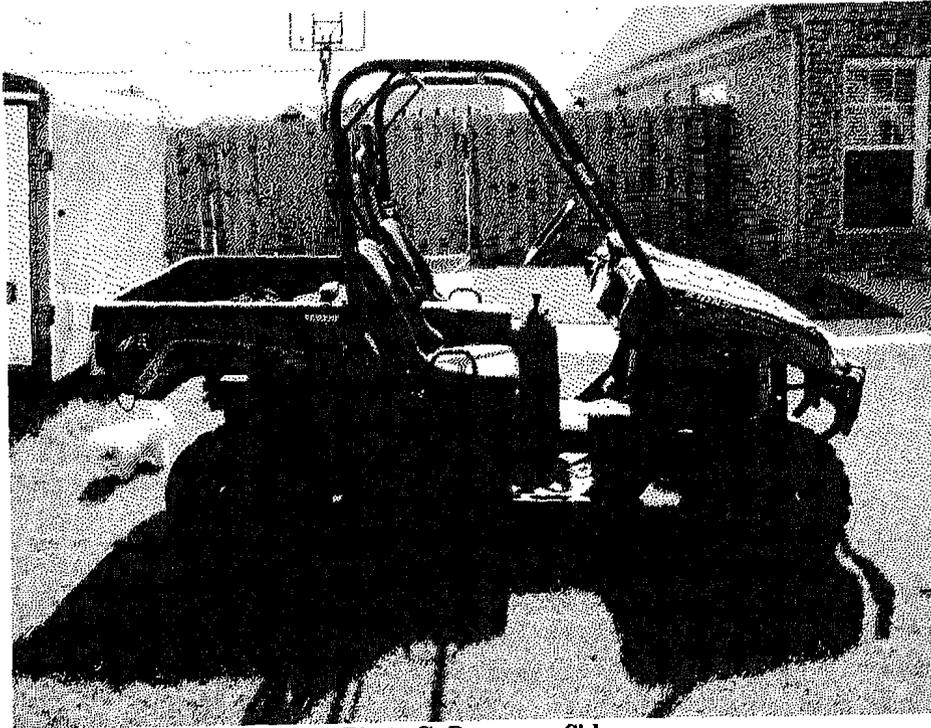


Photo A: Driver Side

The Hand Hold



Photo B: Front End



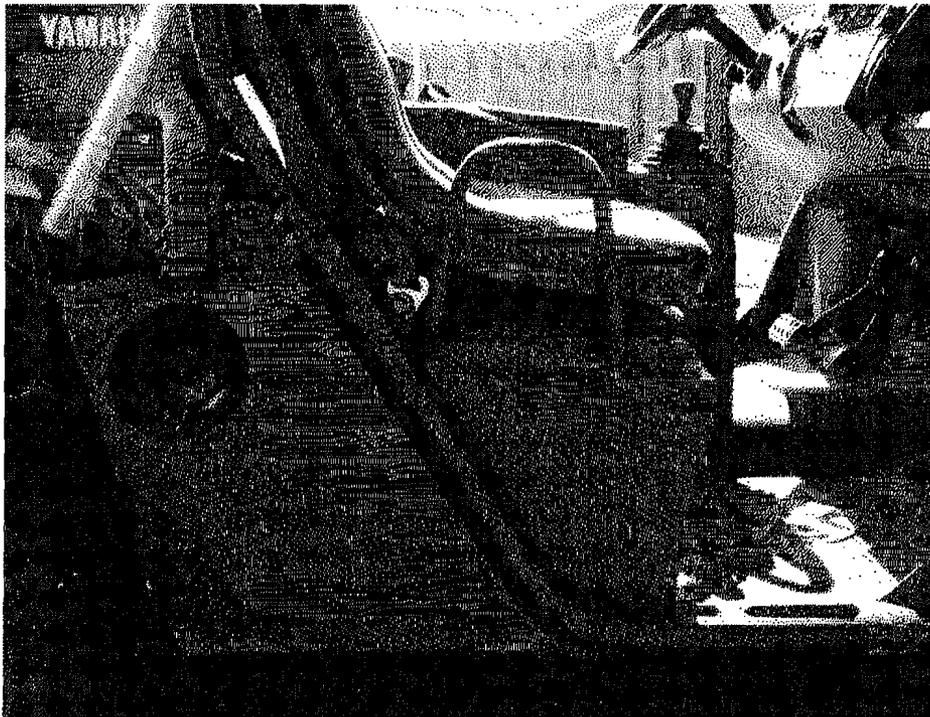
**Photo C: Passenger Side**



**Photo D: Back End**



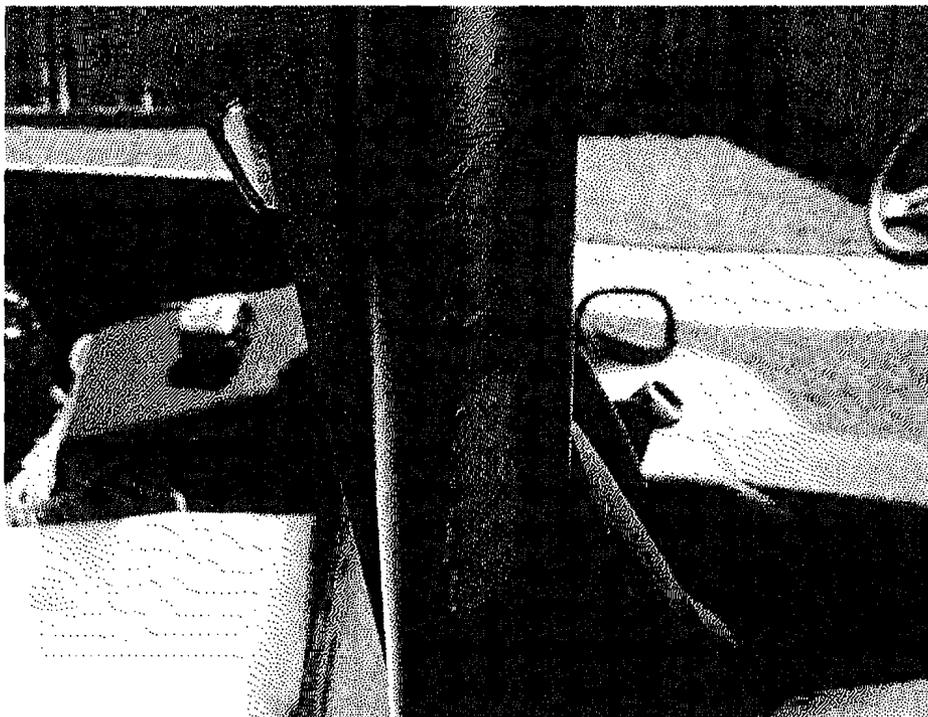
**Photo E: VIN on frame**



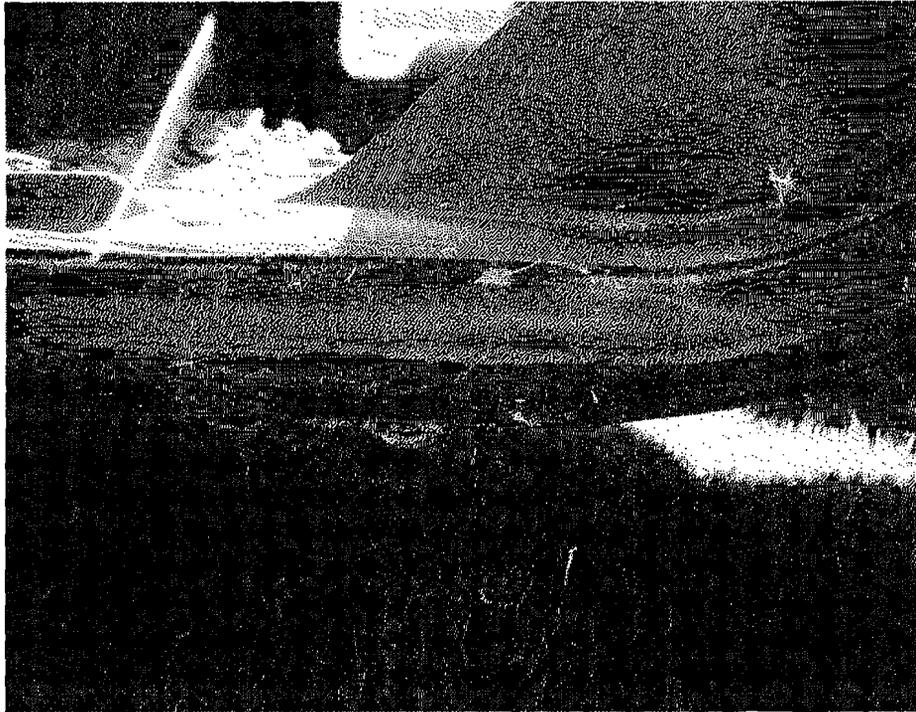
**Photo F: Passenger side damage and floor board opening**



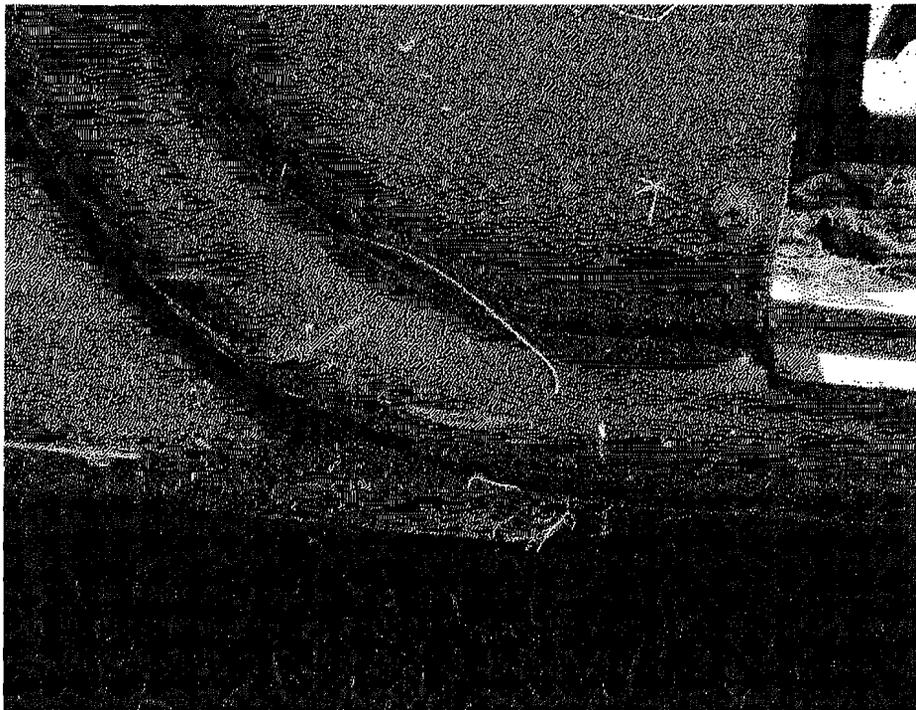
**Photo G: Passenger side damage**



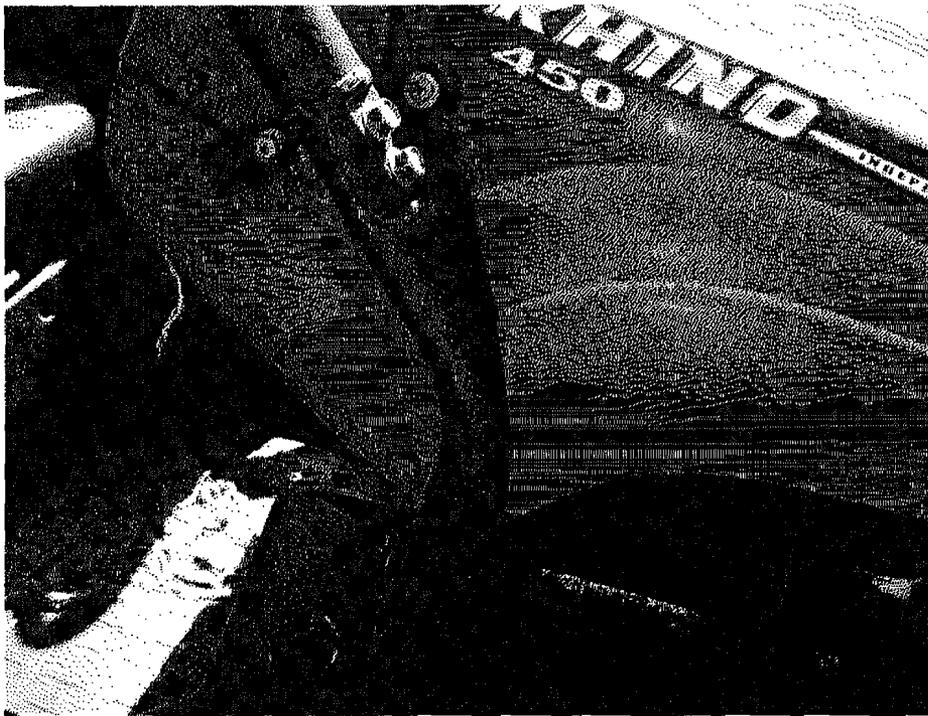
**Photo H: Damage on passenger side roll bar**



**Photo I: Damage on passenger side**



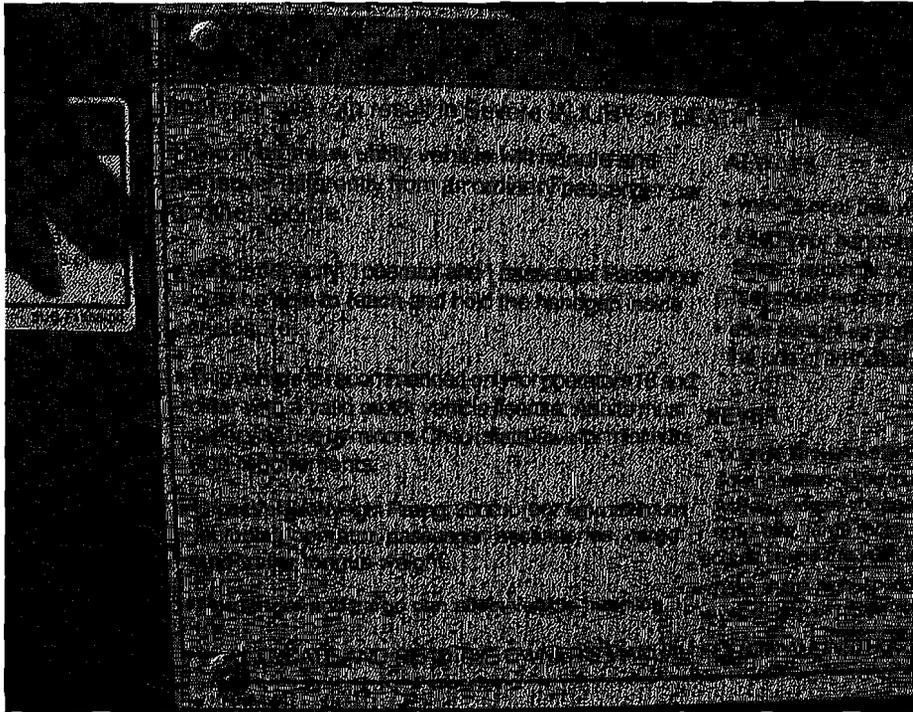
**Photo J: Damage on passenger side**



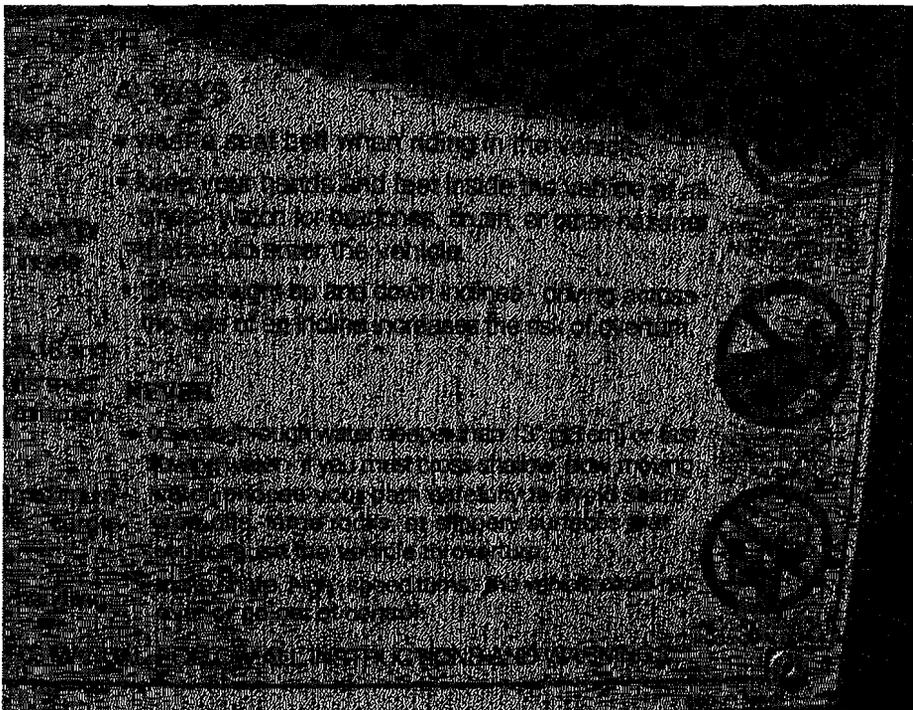
**Photo K: Damage on Passenger side and name decal**



**Photo L: Dump bed in up position**



**Photo M: Left side warning label on dash**



**Photo N: Right side warning label on dash**

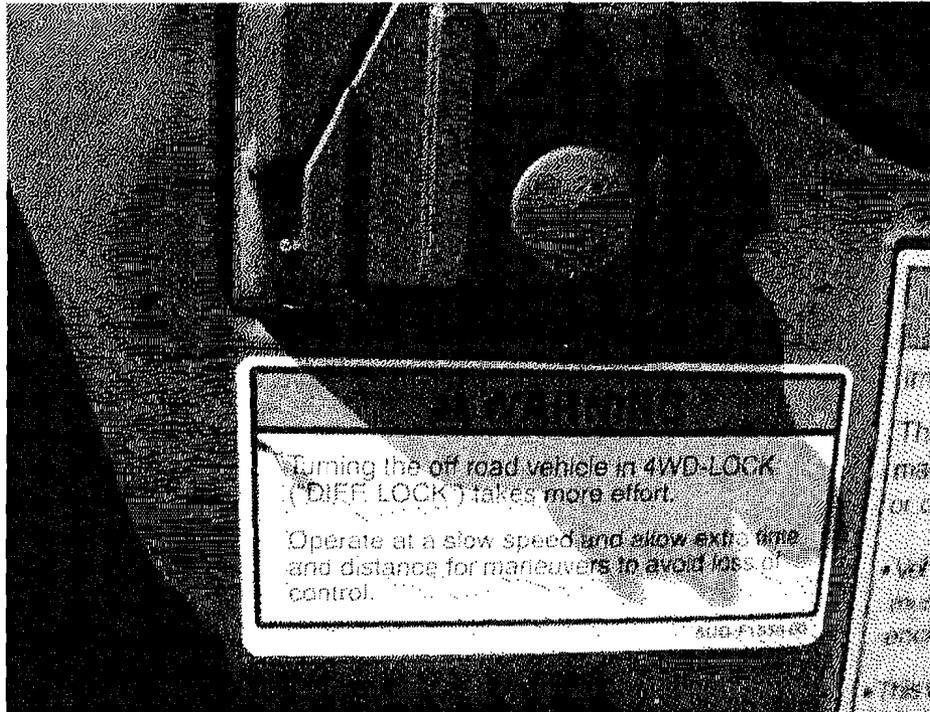


Photo O: 4X4 switch in 2WD position and warning label on dash

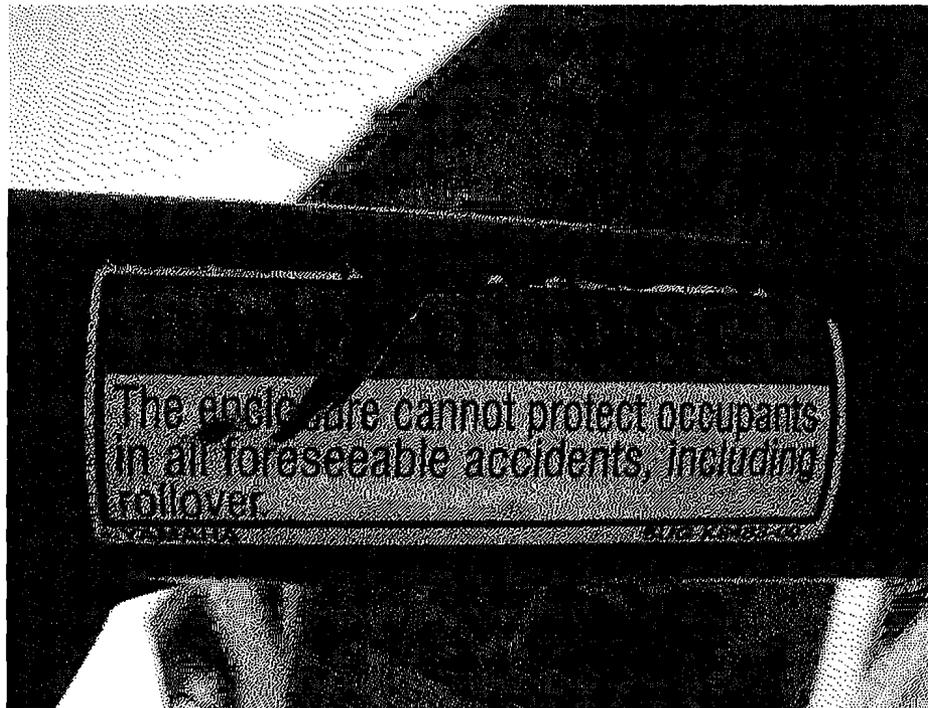


Photo P: Warning label on roll bar

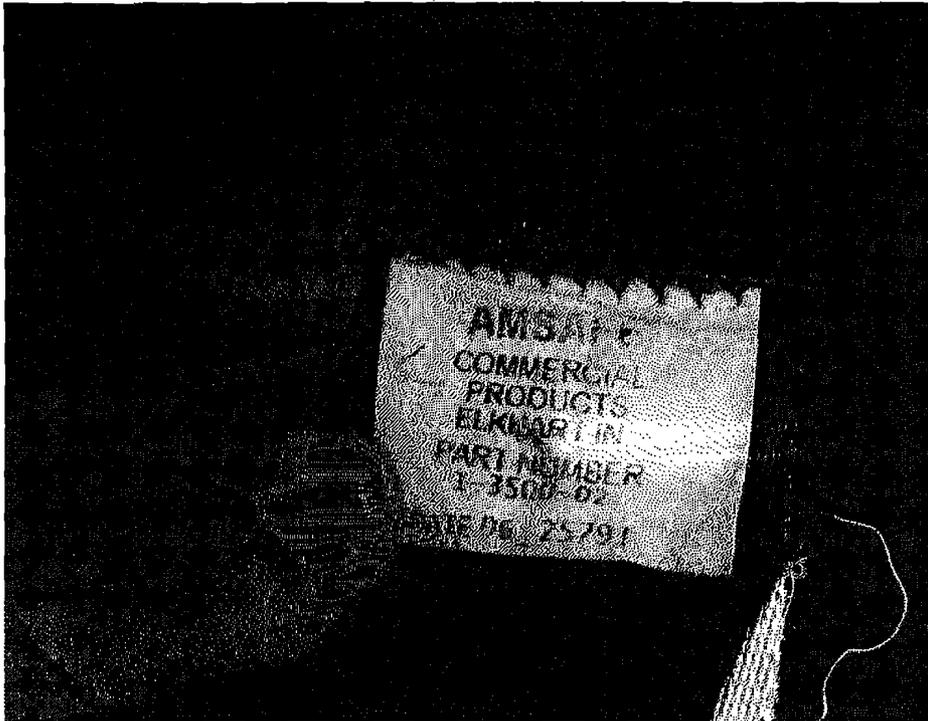


Photo Q: Seat Belt tag

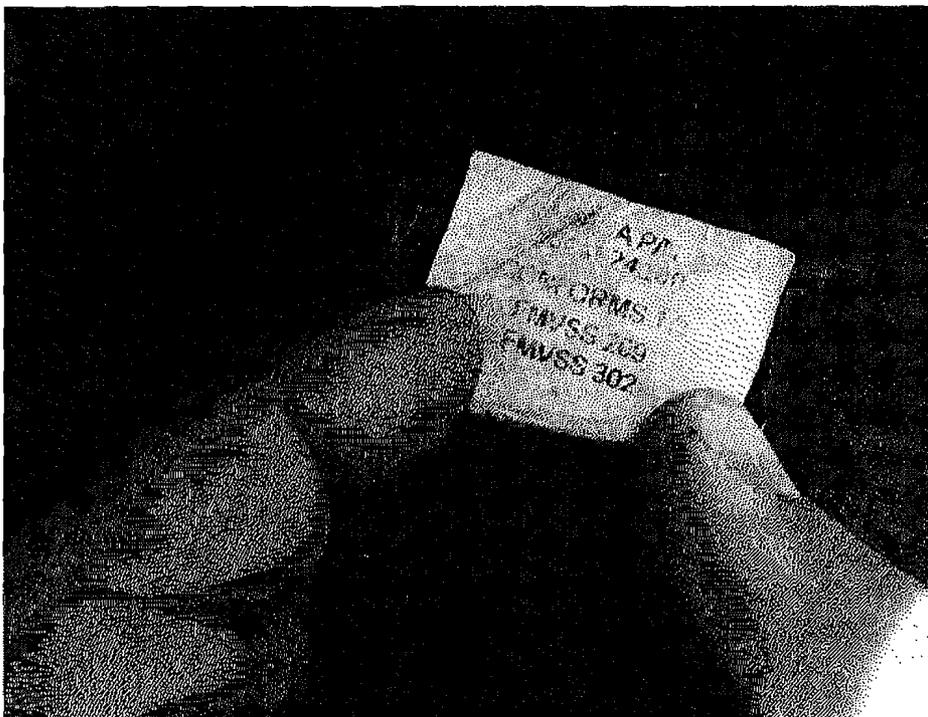
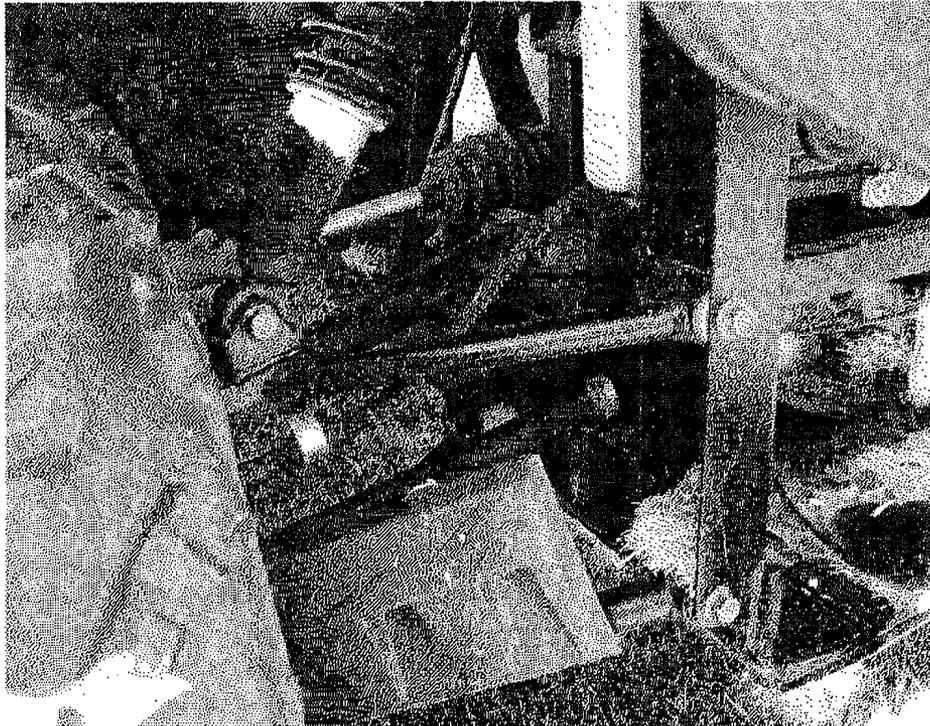


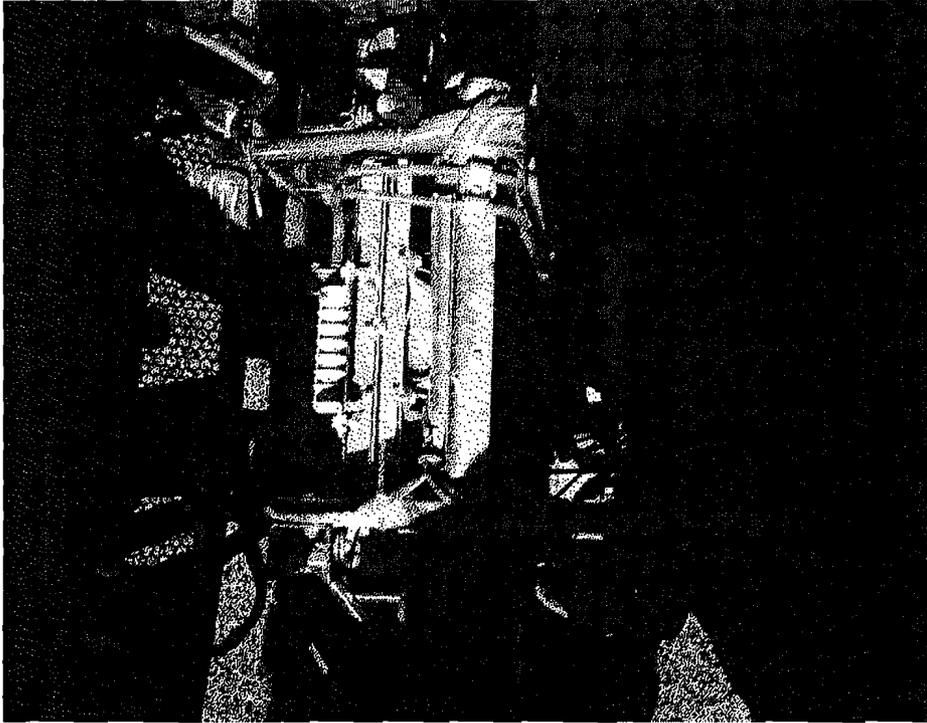
Photo R: Seat belt tag



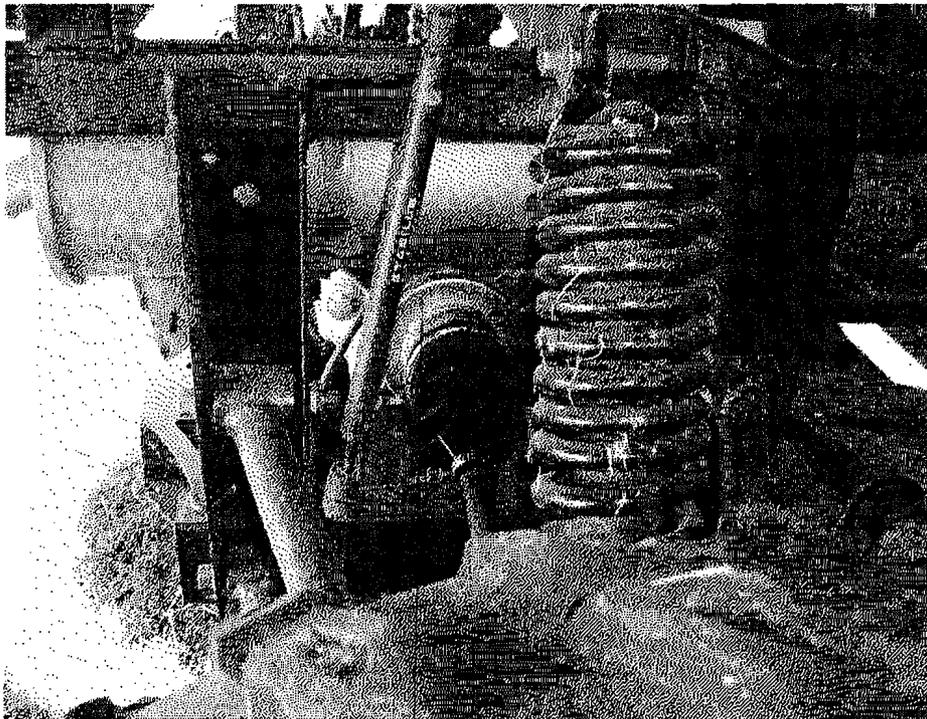
**Photo S: Front suspension**



**Photo T: Front suspension**



**Photo U: Under Hood**



**Photo V: Rear suspension**



**Photo W: Front Tire**



**Photo X: Rear Tire**



**YAMAHA MOTOR CORPORATION, U.S.A.**

6555 KATELLA AVENUE, CYPRESS, CALIFORNIA 90630-5101 714-761-7300

September 11, 2006

Dear Rhino Owner:

Your Rhino side-by-side vehicle was designed to be a very capable off-road vehicle with a wide variety of potential uses.

Regardless of how you use your Rhino, please remember that both the driver and passenger must always buckle the seat belt when riding in the vehicle. Also the driver and passenger must wear an approved off-road motorcycle-type helmet that fits properly.

As with any off-road-capable vehicle, there is a risk of tip over or rollover under certain conditions. Uneven terrain or slopes which pitch the vehicle sideways, turning too fast or sharp, or a combination of conditions increase the risk of tip over.

As your Owner's Manual describes, "If the vehicle starts to tip, gradually steer in the downhill direction if there are no obstacles in your path. As you regain proper balance, gradually steer again in the direction you want to go."

However, if you are in a situation where the vehicle is tipping over, do not put your arm or leg outside the vehicle to try to stop it. You could be severely injured. You could suffer a crushed hand, arm, leg, or foot, if part of your body is caught underneath the vehicle. You must keep your arms and legs inside the vehicle until it has stopped moving.

To help remind you and other operators or passengers in your Rhino of this important information, Yamaha has prepared new warning labels, one for each side of the enclosure. We recommend you install these labels on your Rhino or have your authorized Yamaha dealer install them for you. An illustration showing proper location is provided on the back of this letter.

We are concerned about your safety and continued satisfaction with our products. Thank you for giving your attention to this important matter.

Sincerely,  
Customer Support Group  
Yamaha Motor Corporation, U.S.A.

## 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.

**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.

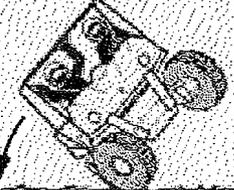
**Avoid Rollovers and Crushing Injuries**

- 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.

**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.



**Abrupt maneuvers or aggressive driving have caused rollovers - even on flat, open areas.**

**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.**

**Read the Owner's Manual**

Contact your dealer or visit  
[www.yamaha-motor.com/rhino](http://www.yamaha-motor.com/rhino)

YAMAHA

584-F1568-01

ALL RHINO CASES

<u>Plantiff</u>	<u>Injury Date</u>	<u>File date</u>	<u>Court</u>	<u>Case Number</u>	<u>Injury</u>	<u>Status</u>
(b)(3)CPSA Section 25(c),(b)(6)	Jun-07	Oct-07	Florida	(b)(3)CPSA Section 25(c),(b)(6)		
	Jun-07	Oct-07	Boone County W.V.		Dealership test drive	
	Jul-07	Jul-08	Eastern District of Kentucky (London)		right ankle	
	Apr-06	Apr-08	Eastern Districy of Texas (Texarkana)			
	Jun-07	Nov-07	Texas			
	Mar-07	Nov-07	Orange County Superior Court			
	May-06	Aug-07	Oklahoma Dist Court			
	Jul-04	Aug-04	Florida			
	Sep-06	Jan-07	Superior Court Napa County			
	Jul-07		Canada		DEATH (CHILD)	
	Jul-07	Nov-07	Ohio			
	Jul-07	Dec-07	District Court (Tacoma)			
	Nov-06	Apr-07	Orange County Superior Court			SETTLED 7/2008
	Nov-06	Oct-07	Orange County Superior Court			DEATH (TEEN)
Aug-07	Nov-07	Michigan				

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TO: 18666867939

7316601418

OCT-6-2008 09:01A FROM: TP EQUIPMENT

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TO: 18666867939

7316601418

OCT-6-2008 09:01A FROM: TP EQUIPMENT

(b)(3) CPSA Section 25(c), (b)(6)	Sep-07	Feb-08	District Court of Arizona	(b)(3) CPSA Section 25(c), (b)(6)	Right Leg	
			Orange County Superior Court			SETTLED 8/08
	Jun-06	Oct-07	Myrtle Beach S.C.			
	Apr-06	May-07	Houston Tx			
	Nov-05	Nov-07	Orange County Superior Court			
	Apr-07	Sep-07	San Diego Superior Court			
	Aug-06	Jun-07	Orange County Superior Court			
		Feb-08	Orange County Superior Court			
	May-06	Apr-07	Orange County Superior Court			
	Jun-07	Sep-07	California			
	Jun-08	Jun-08	Alabama			
	Jun-06	Oct-06	Orange County Superior Court			SETTLED 9/07
	Mar-07	Sep-07	Orange County Superior Court			
		Apr-08	Orange County Superior Court			
	Sep-05	Dec-06	Alabama Circuit Court Baldwin County			
	Jun-08	Jun-08	Wood County District Court			DEATH (CHILD) SETTLED 4/08
	Oct-05	Jan-07	Orange County Circuit Court			
	May-06	Jun-08	District Court of walker city Texas			Left Hand

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7316601418  
OCT-6-2008 09:01A FROM: TP EQUIPMENT

(b)(3):CPSA Section 25(c),(b)(6)

Sep-05	Sep-08	US District Court S.C. Anderson Division	(b)(3):CPSA Section 25(c),(b)(6)	
Jul-06	Apr-07	Orange County Superior Court		
	Jun-08	Orange County Superior Court		
Jun-06	Oct-06	Superior Court Of California		
May-07	Sep-07	California		
Jun-07	Aug-08	Eastern Distrcy of Texas (Texarkana)		
	Apr-08	Orange County Superior Court		
Mar-07	Nov-07	Little Rock		
Aug-07	Sep-07	California		
Jul-07	Jul-08	Eastern Dist Of Pennsylvania		Right Leg
Jun-07	Sep-07	California		
May-06	Aug-06	Milwaukee WI		
Jun-06	Nov-07	Piedmont MO		
Oct-06	Mar-07	Superior Court of Arizona (Maricopa)		
Jun-06	May-08	Northern Dist of Alabama Southern Division		
Oct-06	Mar-07	California		
Jul-06	Aug-07	25th Jud Dist, Parish of Plaquemines		
May-07	May-08	Missouri District Court (Eastern Div)		

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TO: 18666867939

7316601418

OCT-6-2008 09:02A FROM: TP EQUIPMENT

(b)(3);CPSA Section 25(c),(b)(6)	Feb-06	Jun-06	San Diego Superior Court	(b)(3);CPSA Section 25(c),(b)(6)		
	Apr-07	Apr-08	Eastern Dist of Louisiana		Right Shoulder	
		Oct-08	Orange County Superior Court			
	Oct-05	Oct-07	2nd Jud Dist Ct (Clairborne Parish)			
	Apr-05	Apr-08	Eastern District of Arkansas (Western Division)		Left Leg	
	Sep-04	Jan-05	Orange County Superior Court			SETTLED 12/06
	May-07	Nov-07	New York			
	Sep-06	Apr-07	Orange County Superior Court			
		Aug-08	Superior Court Cleveland N.C.			
	Sep-05	May-06	Westerville Ohio (Muskingum Cty)			
	Jun-07	Nov-07	Circuit Court of Mobile County			
	Jun-07	Aug-08	Circuit Court of Mobile Alabama			
	Jun-06	Apr-07	District Court, Clark County NV			
	Apr-05	Apr-08	District Court of Maryland		Leg	
	Aug-04	Apr-08	District Court of Nebraska			
	Jun-06	Jan-07	Circuit Ct, 10th Jud Circuit, Peoria Cty Ill			
		Oct-08	Orange County Superior Court			
	Oct-04	Jan-07	Circuit Ct of Blount Cty at Marysville			

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OCT-6-2008 09:02A FROM: TP EQUIPMENT

(b)(3):CPSA Section 25(c),(b)(6)	Apr-06	Oct-07	Kentucky (Louisville)	(b)(3):CPSA Section 25(c),(b)(6)			
		Feb-08	Orange County Superior Court				
		Mar-08	Orange County Superior Court				
	May-06	May-08	Southern Dist of Mississippi			Right Foot	
		May-08	Eastern Dist of Kentucky (Pikeville)				
	Apr-06	Oct-06	Orange County Superior Court				
	Jul-07	Nov-07	Arozona				
	Jul-07	Nov-07	Orange County Superior Court				
	May-06	Sep-06	New York				
			Louisiana				SETTLED 5/08
	Jan-06	Feb-07	7th Judicial Dist, Parish of Catahoula				SETTLED 5/2008
	Feb-07	Jul-07	Orange County Superior Court				
	Mar-07	Mar-08	Eastern Dist of Louisiana (New Orleans)			Right Leg	
	Jun-07	Sep-07	California				
		Feb-08	Orange County Superior Court				
	Jun-07	Sep-07	8th Judicial Ct Alachua Cty				
		Jul-08	Orange County Superior Court				
	Sep-06	Sep-07	Dist Ct of Arizona				

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(b)(3):CPSA Section 25(c),(b)(6)	Oct-05	May-07	District Ct Clark Cty Nevada	a538445	SETTLED 2/08
	Jul-07	Nov-07	Chicago		
	Feb-08	Sep-08	Orange County Superior Court	(b)(3):CPSA Section 25(c),(b)(6)	DEATH
	Jun-07	Sep-07	New York		
	Aug-07	Sep-07	California		
	Jul-05	Dec-06	Circuit Ct of Phillips Cty Arkansas		
	Jul-07	Dec-07	Common Pleas Philadelphia Cty		
	Feb-08	May-08	Orange County Superior Court		DEATH
	Oct-08	Mar-07	Orange County Superior Court		
	Jul-07	Sep-07	California		
		Mar-08	Orange County Superior Court		
	Aug-07	Sep-07	California		
	Feb-06	Mar-07	Orange County Superior Court		SETTLED 7/2008
	Apr-04	Dec-05	Orange County Superior Court		?????
	Jul-07	Nov-07	Utah		
	Mar-06	Oct-07	Ft Lee New Jersey		
	Jul-06	Oct-07	Monroeville Pa		
	Nov-05	Dec-05	Van Texas		

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OCT-6-2008 09:03A FROM: TP EQUIPMENT

(b)(3):CPSA Section 25(c),(b)(6)

(b)(3):CPSA Section 25(c),(b)(6)

Oct-07	Nov-07	California		
Jul-07	Jan-08	Eastern Dist of Tennessee (Northern Div)		Leg
Jun-07	Nov-07	ME		
Sep-06	Jul-07	District Ct Nevada Clark County		SETTLED 2/08
Jul-07	Sep-07	Orange County Superior Court		SETTLED 7
Apr-07	Sep-07	California		
Feb-06	Apr-07	Orange County Superior Court		
Jun-06	Nov-07	California		
Mar-07	Sep-07	N.C.		
Feb-07	Nov-07	Fla Circuit Ct (Okeechobee)		
Nov-05	Nov-07	Alabama		
Aug-05	Aug-08	District of Eastern Texas (Texarkana)		
	Dec-07	Gwinnett County, Ga		
Jan-07	Dec-07	Alabama District Ct (Northern Dist)		
Mar-06	Apr-08	Eastern Dist of Texas (Beaumont)		
	Dec-07	Gwinnett County Court (Ga)		
Jun-06	Oct-07	18th Judicial Circuit Brevard Cty Fla		
Jun-06		Arizona		

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OCT-6-2008 09:03A FROM: TP EQUIPMENT

(b)(3),CPSA Section 25(c),(b)(6)

Jun-06	Jun-07	US District Ct Arizona District	CV07-08023-PCT-DKD		
	Feb-08	Orange County Superior Court	(b)(3),CPSA Section 25(c),(b)(6)		
Jun-08	Nov-08	California			
Sep-05	Nov-05	PA			
Apr-08	Aug-08	New York			
Jun-07	Sep-07	Arizona			
	Jun-08	Orange County Superior Court			
Aug-05	Aug-07	PA			
	May-08	District Court of Nevada			
Mar-07	Oct-07	Salem Organ			
Mar-07	Nov-08	New York			
Mar-07	Nov-07	Mineola NY			
Apr-08	Nov-08	US District Ct, Western Division			
Apr-06	Oct-07	Missouri			
Mar-07	Nov-07	Orange County Superior Court			
Feb-07	Aug-07	Orange County Superior Court			
	Feb-08	Orange County Superior Court			
	Nov-06	Orange County Superior Court			

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OCT-6-2008 09:03A FROM: TP EQUIPMENT

(b)(3) CPSA Section 25(c),(b)(6)		Arizona	cv2006-001223	
Feb-06	Feb-06	Maricopa Cty Superior Ct (Az)	(b)(3) CPSA Section 25(c),(b)(6)	SETTLED 7/07
	Dec-07	Morrison Ill		
Mar-07		US District Ct Arizona District		
Jul-07	Aug-08	District Court of Tennessee (Northeastern Division)		Fractured Pelvis
May-06	Apr-07	Orange County Superior Court		
Feb-05	Aug-07	Eastern Div US District Ct Spokane Wa		
Jul-07	Jul-08	US Eastern District Ct Kentucky Pikeville		
Jun-07	Oct-07	Chattanooga Tenn		
May-04	Apr-05	(Hi) Circuit Ct of the 3rd Circuit		
Aug-08	Nov-08	California		
	Nov-07	California		
Sep-07	Dec-07	Arizona		
	Sep-08	Orange County Superior Court		
Feb-07	Sep-07	Arizona		
	Nov-07	New Jersey		
Jul-07	Oct-07	Tipton County Circuit Court (Tenn)		
Aug-06	Nov-06	Weirton WV		

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OCT-6-2008 09:04A FROM: TP EQUIPMENT

(b)(3) CPSA Section 25(c),(b) (5)		Sep-08	Orange County Superior Court	(b)(3) CPSA Section 25(c),(b)(6)		
	Sep-07	Nov-07	Orange Superior Ct (TX)			
	Jan-06		Superior Court of Arizona (Maricopa County)			
	Dec-04	Dec-07	Hinds Circuit Ct (MS)			
	Sep-07	Aug-08	Eastern District of Kentucky (London)			
	Feb-08	Aug-08	Hinds County Miss			DEATH
		Sep-08	Orange County Superior Court			
	Jun-06	Sep-07	13th Judicial Circuit Ct Hillsborough County (Fla)			
		Jul-08	Gwinnett County, Ga			
	May-07	May-08	District Court of Texas (Marshall Division)			Right Arm
		Jun-08	Orange County Superior Court			
	Nov-06	Sep-07	Contra Costa Superior Ct (CA)			
	Dec-06	Dec-07	District Court of Tennessee (Nashville)			Legs & Ankle
	Oct-07	Jun-08	Ohio			DEATH (CHILD)
	Nov-06	Dec-06	New Jersey			
	Jun-07	Sep-07	PA			
		May-08	Orange County Superior Court			
	Aug-06	May-07	6th Judicial Court Champaign County Ill.			

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OCT-6-2008 09:04A FROM: TP EQUIPMENT

(b)(3);CPSA Section 25(c),(b)(6)	Jul-06	Apr-07	US Districk Court, Clark County Nevada	A538446		
	Dec-05	Mar-06	Orange County Superior Court	(b)(3);CPSA Section 25(c),(b)(6)		SETTLED 4/2007
	Dec-05	Apr-06	St Martin Parish District Ct (LA)			SETTLED 4/2007
	Jul-07	Jul-08	District Court of Montana Missoula Division			
	Nov-06	Nov-07	Circuit Court of Baltimore Cty			
		Sep-08	Orange County Superior Court			
	Mar-07	Jul-07	Superior Court, Santa Clara County			
	Sep-07	Aug-08	US District Court Northern District Ohio			
	Jul-06	Sep-07	Circuit Court of Mobile County (Alabama)			
		Aug-08	Orange County Superior Court			
	Sep-07	Sep-07	West Virginia			
	Apr-06	Dec-07	District of Colorado			Legs & Foot
	Jun-05	Mar-07	Okaloosa County Circuit Court			
	Nov-05	Mar-06	US District Ct Orange County (Texas)			
	Sep-06	Mar-07	Orange County Superior Court			SETTLED 7/08
		Jan-08	Orange County Superior Court			
	Nov-06	Sep-07	Boone Circuit Kentucky			
	Apr-06	Apr-07	Superior Court of San Diego			

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OCT-6-2008 09:05A FROM: TP EQUIPMENT

(b)(3) CPSA Section 25(c),(b)(6)

(b)(3) CPSA Section 25(c),(b)(6)

Jun-07	Nov-07	Orange County Superior Court		
Sep-06	Mar-07	Superior Court, County of Los Angeles, West District		
Aug-05	Nov-07	California		
	Apr-08	Orange County Superior Court		
Aug-07	Nov-07	California		
Jul-04	Jul-04	Burlington VT		
Sep-06	Nov-08	US District Ct, Western District (Michigan)	Leg	
Nov-05	Jan-07	Pearl River County Circuit Court (Mississippi)		SETTLED 10/2007
Apr-07	Dec-07	Georgia		
Feb-01	Nov-07	Mississippi		
Jul-08	Oct-08	2nd Judicial District circuit Ct (Yalobusha Cty) MS		
Jan-07	Dec-07	Maricopa Cty Superior Ct (Az)		
	Apr-08	Orange County Superior Court		
Jan-07	Jun-07	Orange County Superior Court		
Oct-04	Nov-04	Traverse City Michigan		
	Sep-08	Orange County Superior Court		
Jul-07	Jul-07	Grand Rapids Michigan		

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OCT-6-2008 09:05A FROM: TP EQUIPMENT

(b)(3):CPSA Section 25(c),(b)(6)		Jul-08	Kentucky	5/08-cv-00329-jbc	
Sep-05	Jan-06	Orange County Superior Court	(b)(3):CPSA Section 25(c),(b)(6)		SETTLED 7/2007
Nov-08	Jun-08	Orange County Superior Court			DEATH
Aug-06	Aug-07	State of Louisiana, Parish of Union, 3rd District			
	Aug-08	Orange County Superior Court			
Mar-05	Oct-05	Orange County Calif			Settled 2/2006
Apr-06	Apr-08	Northern Dist of Texas (Amarillo Division)			Verterbre
	Mar-08	Orange County Superior Court			
Jun-06	Aug-08	Nevada			
Jun-06	Jun-08	District Court of Arizona			
Oct-07	6/208	Middle Dist of Tennessee (Nashville)			
Jul-06	Jan-07	Charlston WV			
Apr-07	Sep-07	Las Vegas NV			
Sep-06	Oct-08	Los Angles Fed Ct			
Sep-06	Sep-07	Hampton Ga			
	May-06	Portland Or			
Apr-06	Apr-08	Northern District of Ohio Eastern Division			

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(b)(5)

**Doc No: I0890076A**

**Issue: 49**

**09/05/2008**

09/04/2008 10:43:58

Name = Tom Presgrove  
Address = 81 Sommersby  
City = jackson  
State = Tennessee  
Zip = 38305  
Email = tpequip@usit.net  
Telephone = 731-660-4611  
Name of Victim = Grant Presgrove  
Victim's Address = 118 Dogwood Cove  
Victim's City = medina  
Victim's State = Tennessee  
Victim's Zip = 38355  
Victim's Telephone = 731-414-5110

Incident Description = While riding as a passenger in a Yamaha Rhino, side by side ATV, a slow gradual turn to the left causing the vehicle to roll over on the passenger side. The vehicle is very top heavy and too narrow. Injuries included a crush right leg with compound fractures to the tibia and fibula, and a fractured right hand. The vehicle trapped the leg and broke the leg literally off just below the knee cap. There are 100's of Rhino accidents similar to this incident with almost identical injuries. Yamaha recently made a dealer recall to install safety doors to prevent legs from being slung out. Also a new warning label was added saying that even at slow speed, roll overs were possible.

Victim's age at time of incident = 36  
Victim's sex = male  
Date of incident = july 5, 2007  
Product involved = side by side ATV, Rhino 450, utility vehicle  
Product brand name/manufacturer = Yamaha  
Manufacturer street address = 1000 highway 34 east  
Place where manufactured (City and State or Country) = Newnan Georgia 30265  
Product involved still available = yes  
Product model and serial number, manufacture date = Yamaha Rhino 450, 2006 year, vin 544aj19y76add6176  
Date product purchased = 2006  
Name Release = Release name to the manufacturer and public