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9 Attorneys for the Plaintiff

10 UNITED STATES DISTRICT COURT  
 11 FOR THE EASTERN DISTRICT OF WASHINGTON

12 THOMAS A. WAITE, )

13 Plaintiff, )

14 vs. )

15 CORPORATION OF THE PRESIDING )  
 16 BISHOP OF THE CHURCH OF JESUS )  
 17 CHRIST OF LATTER DAY SAINTS, a )  
 18 Utah corporation; CORPORATION OF )  
 19 THE PRESIDENT OF THE CHURCH OF )  
 20 JESUS CHRIST OF LATTER DAY )  
 21 SAINTS, a Utah corporation; DONALD C. )  
 22 FOSSUM; and STEVEN D. BRODHEAD, )

23 Defendants. )

Case No.: CV-05-399-EFS

DECLARATION OF  
 STEPHEN L. NORDSTROM IN  
 SUPPORT OF PLAINTIFF'S  
 RESPONSE IN OPPOSITION  
 TO DEFENDANTS' MOTION  
 FOR SUMMARY JUDGMENT  
 DISMISSAL

1 I, Stephen L. Nordstrom, declare under penalty of perjury under the laws of the  
2 State of Washington that the following is true and correct:

3  
4 1. That I am one of the attorneys for the Plaintiff in the above-entitled  
5 matter, and make this Declaration from my own personal knowledge.

6  
7 2. Exhibit A, attached hereto, accurately reflects the report dated  
8 August 22, 2003 of Detective Ron Miya, who participated in the investigation of the  
9 accident, which is the subject of this action.

10  
11 3. Exhibit B, attached hereto, accurately reflects the report dated  
12 August 21, 2003 of Officer Walter Loucks, who participated in the investigation of the  
13 accident, which is the subject of this action.

14  
15 4. Exhibit C, attached hereto, accurately reflects the report dated  
16 November 16, 2003 of Deputy David C. Thornburg, who participated in the  
17 investigation of the accident, which is the subject of this action.

18  
19 5. That the LDS video, "Safe Intersection Driving," was produced by  
20 defendant LDS Church in response to plaintiff's request for production of documents.  
21 It was intended by the LDS Church that this video be shown to its missionaries.

22  
23 6. The video provided instruction to its missionaries which included  
24 the following:

25 A. Accidents at intersections claim a significant number of missionary  
26 lives each year, as well as causing injury.

1 B. Two major factors that contribute to missionary accidents are  
2 inattention and speed.

3 C. Common choices that lead to trouble at intersections include failing to  
4 check traffic in all directions and failing to see approaching vehicles.  
5

6 D. Missionaries are to scan the intersection ahead for potential hazards  
7 including hazards that are in or near the roadway.  
8

9 E. Missionaries are to anticipate that other drivers may not stop at a stop  
10 sign.

11 DATED this 5th day of June, 2007 at Spokane, Washington.

12  
13 s/Stephen L. Nordstrom  
STEPHEN L. NORDSTROM

14 CERTIFICATE OF SERVICE

15 I, Stephen L. Nordstrom, hereby certify that on the 5th day of June, 2007,  
16 I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System  
17 which will send notification of such filing to the following participants:

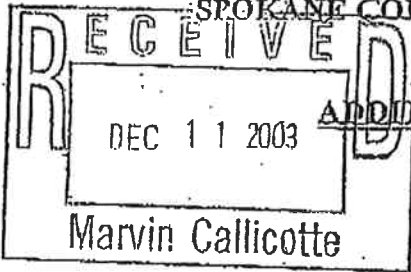
18 Brian T. Rekofke  
19 Witherspoon Kelley Davenport & Toole  
20 422 W. Riverside Avenue, Suite 1100  
Spokane, WA 99201-0302

21 Andrew C. Smythe  
22 Paine Hamblen Coffin Brooke & Miller  
23 717 W. Sprague Avenue, Suite 1200  
Spokane, WA 99201-3503

24 s/Stephen L. Nordstrom  
STEPHEN L. NORDSTROM

**EXHIBIT A**  
**Report of Detective Ron Miya**

SPOKANE COUNTY SHERIFF'S OFFICE



ADDITIONAL REPORT

CASE # 03-274571

DATE:

08-22-03

CHARGE / INCIDENT:

Vehicular Assault

COMPLAINANT:

Waite, Thomas, L. (08-16-83)

LOCATION OF INCIDENT:

8<sup>th</sup>/Adams

DATE OF INCIDENT:

08-21-03

# 8025

SUSPECT:

Brodhead, Steven, D. (10-26-85)

08-21-03

I was contacted by Sgt. O'Leary at approximately 1430 hours. He advised me there was a serious injury collision at 8<sup>th</sup>/Adams.

I responded to the scene and arrived at 1439 hours. Deputy Loucks, Deputy Werner, Corporal Fox, Lt. Smith, Sgt. Barkley, Sgt. O'Leary, and Deputy Lance also responded and were on scene.

Fire personnel and AMR medics were also on scene assisting those involved with the collision.

The weather was mostly sunny and warm. The temperature was approximately 85 degrees Fahrenheit.

The collision occurred at approximately 1410 hours. Steven Brodhead was driving Washington license #887JQU eastbound on 8<sup>th</sup> approaching Adams. Brodhead had three passengers in his car including Rochelle Hamilton, Rebecca Hamilton, and Sheila Brown. Brodhead failed to stop at the stop sign at 8<sup>th</sup>/Adams, a four way stop intersection marked with four red stop signs.

Donald Fossum was driving Washington license #A25268R northbound on Adams approaching 8<sup>th</sup>. Fossum had three other passengers in the cab of the pickup including James Ross, Cesar Porras, and Dillon Hansen. Two other passengers, Thomas Waite and Mark Ryan, were seated in the bed of the pickup under a canopy. Fossum

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stopped at the stop sign at 8<sup>th</sup>, saw no other traffic, and proceeded northbound on Adams.

Brodhead slammed on his brakes, slid through the intersection of 8<sup>th</sup>/Adams, and struck Fossum's vehicle. Waite and Ryan, seated in the bed of Fossum's pickup, were ejected from the vehicle. Waite was immediately hospitalized and suffered substantial injuries from the collision including a fractured skull and bruising of the brain.

I examined 8<sup>th</sup> Avenue. It ran east and west, and was posted with a 35 mph speed limit. It was an asphalt road with a dashed yellow centerline and no fog line. The shoulder was gravel, weeds and grass. The asphalt was rough with coarse rocks protruding through the surface.

As 8<sup>th</sup> approaches Adams, there was a marked four way stop sign on 8<sup>th</sup>. On the southwest corner of 8<sup>th</sup>/Adams, there was a large evergreen tree.

I examined Adams Rd. It ran north and south, and was posted with a 25 mph speed limit. It was an asphalt road with a dashed yellow line and a white fog line on each shoulder. The shoulder was gravel with weeds growing in it. The asphalt was rough with coarse rocks protruding through the surface.

As Adams approaches 8<sup>th</sup>, there was a marked four way stop sign on Adams. On the southwest corner of 8<sup>th</sup>/Adams, there was a large evergreen tree, which made it difficult to see eastbound traffic on 8<sup>th</sup>.

I examined the marks in the roadway on 8<sup>th</sup>. There were two distinct tire skid marks in the eastbound lane of 8<sup>th</sup> approaching Adams. The marks were straight and dark, and led directly to Brodhead's Honda, WA license #887JQU. The longest driver's side skid mark was approximately 260 feet long. The shorter passenger side skid mark was approximately 207 feet long.

The skid marks from Brodhead's vehicle changed direction in the intersection of 8<sup>th</sup>/Adams after his vehicle collided with Fossum's vehicle. The skid marks headed to the northeast and led directly to the front tires of Brodhead's vehicle. There were faint rear tire skid marks visible after the impact that led directly to the rear tires of Brodhead's vehicle.

I examined Brodhead's vehicle, WA license #887JQU. There was front end damage from the impact with the driver's side rear of Fossum's vehicle. A mark on the hood of the Honda clearly matched the driver's side rear wheel well of the Dodge that was struck.

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I examined the skid marks in the intersection of 8<sup>th</sup>/Adams which came from Fossum's vehicle, WA license #A25268R. There were no pre-impact skid marks from his vehicle. Post impact skid marks showed the two rear tires sliding sideways, then lifting in the air. The tires came back to the ground and led directly to the final rest position of the truck facing southwest. The driver's front tire left a mark in the pavement where it pivoted in a circle counterclockwise. It appeared the vehicle spun around 180 degrees counterclockwise after it was impacted.

I examined Fossum's vehicle, WA license #A25268R. There was damage to the driver's side rear bed area by the rear wheel where the front of the Honda struck it. The canopy on the truck flew off and was laying north east of the truck.

I photographed the entire scene and vehicles (see photolog).

Clifton A. Staggs, the vehicle coordinator for the LDS Church, gave search consent to examine Fossum's vehicle, WA license #A25268R.

I completed a scale diagram of the scene using the total station laser measuring device. I aimed the laser at a prism being held by deputy Lance, marking the points of evidence. I also operated the collector and completed the point log with assistance of Sgt. O'Leary.

Inland Towing was called to impound both vehicles.

As Inland Towing began to move Brodhead's Honda, WA license #887JQU, I checked the rear tires to see if a flat spot had formed during the extensive skid mark on 8<sup>th</sup>. I could find no apparent flat spot on either rear tire and concluded the rear tires were not completely locked during the skid.

08-22-03

I picked up Brodhead's blood, which was placed on property as evidence by Deputy Lance. I broke the seal placed by Lance and checked to see that the vials were properly labeled. I packaged the blood vials and sent them to the Washington State Toxicology Lab for analysis.

I went to 1315 N. Cedar at 1245 hours to meet occupants of WA license #A25268R, including Fossum. The occupants picked up several personal items from the vehicle, including books and backpacks. I photographed all items taken from the vehicle (see photolog).

Fossum told me he was northbound on Adams and stopped for the stop sign at 8<sup>th</sup>. He said he looked both ways, then proceeded northbound through the intersection. He said he heard a passenger say "holy cow" or "crap", then looked out the window and saw the car coming eastbound on 8<sup>th</sup>. He said next thing he knew, he was spinning around. He said his two passengers in the bed of the pickup flew in the air and hit the ground.

Laurie M. Levar, the mother of Rochelle and Rebecca Hamilton, contacted me. She wanted to retrieve her daughter's book from Brodhead's vehicle.

Steven Brodhead came to my office at 12710 E. Sprague at 1430 hours. He was accompanied by his father, James Brodhead. I read Steven Brodhead his warning of constitutional rights as they appeared on the card. He understood his rights, agreed to waive them, and gave me his statement on the collision. James Brodhead was present the entire time and signed the bottom of the rights card as well.

Steve Brodhead told me he had been taking an anti-depressant, Zoloft, for about three weeks. He said he was taking 100 mg a day, but did not take any on 08-21-03.

Brodhead said on 08-21-03, he was feeling irritated because his dad got laid off. He said he was also irritated because Cameron, another guy, put in a stereo for his girlfriend. Brodhead said he had a lot of stress on his mind.

Brodhead said he was driving a couple friends, Rochelle and Rebecca, from the area of 21<sup>st</sup>/Evergreen to 16<sup>th</sup>/Bowdish. Apparently the girls needed to stop by their school to pick up some schoolwork. Brodhead said after he left the school, the girls told him to take 8<sup>th</sup> to avoid the traffic on Sprague. Brodhead said he had never been on 8<sup>th</sup> and always took Sprague. He said he listened to his friends for advice on how to get around town.

Brodhead said he was eastbound on 8<sup>th</sup> and stopped at Evergreen. He said a "guy" almost hit him at the intersection. He said he yelled out his window. He said he held down his horn and "floored it", continuing eastbound on 8<sup>th</sup>. He said he put the pedal to the floor and was frustrated because he hadn't taken any medication that day.

Brodhead said he saw the "needle" hit 70 mph, then he let off soon after. He said he knew he was going at least 70 mph and started slowing about half way down the road. Brodhead said he saw the stop sign at Adams and hit the brakes. He said he skidded and "slammed" into the truck. He said he saw the elders "fly" out. Brodhead said he saw the truck at a full stop at the stop sign at 8<sup>th</sup>/Adams, then watched it pull forward.



03-274571

Brodhead said he was looking at the road and friends. He said what he did was "stupid", and he was acting on adrenaline. He said his friends did not encourage him and he "made the decision". He said what he did was done with "stupidity" and was done to "show off". Brodhead said he saw the side roads and saw no stop signs. He said he was "thinking" he "could get away with it".

Brodhead said he had been driving since 07/25/03. He said he had his permit for a year and a half. He said he paid \$170 a month for insurance. Brodhead said he had friends in Marysville that he drove to see. He said the drive to Marysville took approximately 15 minutes and he drove at around 50 mph, so he was familiar with driving at highway speeds. Brodhead said he had never been stopped by the police before and had never received a traffic ticket.

Brodhead said his vehicle was in good mechanical condition. He said it would surge when coasting at 35-45 mph. He said the car had no brake problems. He said he did not do tire air pressure checks.

08-25-03

I contacted Rochelle Hamilton, the rear middle passenger of Brodhead's vehicle, WA license #997JQU. She said Brodhead was taking her to contract school, then to Greenacres, then to Lake Coeur d'Alene.

Rochelle said Brodhead had talked to his girlfriend at the parking lot of the school. She said he was stressed because another guy hooked up her stereo and was going to teach her how to drive. She said he had also been stressed earlier about his girlfriend.

Rochelle said Brodhead left the school and went east on 8<sup>th</sup> to avoid the stoplights on Sprague. She said at 8<sup>th</sup>/Evergreen a guy with a trailer started to go at the same time Brodhead started to go. She said Brodhead yelled "slow down jerk". Rochelle said at first Brodhead took off slow going eastbound on 8<sup>th</sup> from Evergreen, then "floored it". She said he was going fast, around 65 mph, about freeway speeds. She said he was mad and was "getting it out of his system". Rochelle said Brodhead wasn't slowing down and she yelled "stop sign". She said Brodhead slowed and slammed on his brakes. She said the car slid and turned a little. She said she saw the truck and was hanging on to the seats to brace for impact.

I contacted Rebecca Hamilton, who was seated in the rear passenger seat of Brodhead's vehicle, WA license #887JQU. She said Brodhead was taking her to school, then to Allison's house in Greenacres, then to the lake.

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Rebecca said Brodhead had talked to his girlfriend and she had made plans. She was going to "hang out" with another guy who was going to teach her how to drive a stick shift. Rebecca said Brodhead got mad.

Rebecca said she came up with the idea to have Brodhead use 8<sup>th</sup> Avenue. She said they went east on 8<sup>th</sup> to Evergreen. A truck or SUV cut Brodhead off. She said Brodhead was mad about his girlfriend already, so he honked at the other vehicle. She said Brodhead continued eastbound at a progressive rate. She said there was small "chit/chat" in the car and the CD was playing music. Rebecca said that Brodhead got up to more than 50 mph, but she did not look at the speedometer. She said Brodhead then got somewhere around 80 mph, then slowed down. She believed Brodhead was coasting at about 60-65 mph about six houses back from Adams. She thought he saw the stop sign. She said Rochelle said "stop sign". Rebecca said about three houses away from Adams, Brodhead "punched" the brakes all the way and she could feel the tires lock up and sliding. Rebecca said she saw the truck stopped at the stop sign at Adams at a complete stop, then started across the intersection as Brodhead was braking.

I went to 8<sup>th</sup>/Adams to complete some skid testing. I was driving a 2002 Dodge Caravan, WA license #62273C. I pulled the anti-lock brake fuse from the vehicle. The temperature and weather conditions were similar to those on 08-21-03.

I used the VC2000 to gather the skid test data. I completed six test runs and averaged a .773 coefficient of friction.

08-26-03

Elder Staggs took photos of the Dodge, WA license #A25268R, at 1315 N. Cedar. He turned the ignition to check the odometer. There was a CD in the vehicle playing very loud.

Hal Campbell, an insurance agent for Frontier Adjusters, took photos of both vehicles at 1315 N. Cedar.

08-27-03

I attempted contact with all remaining passengers in both vehicles.

I calculated a speed estimate from the pre impact skid marks left by Brodhead's vehicle, WA license #887JQU, on 8<sup>th</sup> Avenue. The minimum speed I calculated Brodhead was traveling from the skid marks alone was 61 mph.

10

08-28-03

I contacted Cesar Porras, the rear driver's side passenger in Fossum's vehicle, WA license #A25268R. He told me he they were traveling to an apartment on Adams. He said they were listening to a CD. Porras said Fossum stopped, looked both ways, then continued north on Adams. Porras said he saw the car for a split second looking through the rear side window, then heard the squeal of the brakes for a split second. He said the car hit the truck and he hit the window. He said the next thing he knew he was laying on the ground bleeding. He said he had no other injuries than a couple scratches on his face. Porras said he was not wearing his seat belt.

I contacted William Waite, Thomas Waite's father. Thomas Waite was riding in the bed of Fossum's pickup, WA license #A25268R. William said Thomas was now responding to commands and becoming conscious. He believed Thomas would eventually make a recovery.

I contacted James Ross, the front seat passenger in Fossum's pickup, WA license #A25268R. He said the males were listening to a CD and going to a meeting on Adams. He said that Fossum came to an "absolute and complete stop", looked both ways, and "pulled out". Ross said a short way into the intersection he said, "oh crap", and pointed. He heard brakes squealing and saw smoke coming from the approaching Honda. He said the truck was struck by the Honda and spun around 180 degrees. Ross said his seatbelt was on.

I contacted Dillon Hansen, the rear passenger side passenger in Fossum's pickup, WA license #A25268R. He said Fossum was driving down Adams and came to a complete stop at the stop sign. He said he heard the brakes squeal and the Honda hit Fossum's pickup. He said he "braced" and the pickup spun around 180 degrees. Hansen said they were listening to a CD at a moderate sound level.

I contacted Mark Ryan, who was seated in the bed of Fossum's vehicle. He had a concussion and was suffering from memory loss. He only remembered sitting on the wheel well of the pickup and remembered nothing about the crash.

I contacted a witness, Benwood Bendele. He said he watched the Honda go eastbound on 8<sup>th</sup> at a high speed, about twice as fast as it should be going. He said he saw the Honda driver slam on his brakes and slide through the intersection, striking the truck. Bendele completed a written statement (attached).

I contacted a witness, Brian Catron. He said he was positioned in front of the school at 8<sup>th</sup>/Adams and thought the truck stopped, then proceeded northbound. He said the car was "hauling ass" and the

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car tires "screached a long time" before the car impacted the truck. He saw the males fly out of the back of the pickup. Catron completed a written statement. (attached).

I contacted a witness, Greg Romey. He said he heard the brakes lock up and the car was "moving". He saw the impact with the truck spinning around and riders flying out of the back of the truck. Romey completed a written statement (attached).

I read a written witness statement prepared by Bruce Gunn (attached). He said he saw the Dodge pickup come to a complete stop, then proceed northbound. He said the Honda was approaching fast and struck the pickup.

I read a written witness statement prepared by Timothy Warner (attached). He did not see the impact but heard the collision happen.

I read a written witness statement prepared by Frank Goldy (attached). He said he saw the Honda traveling east on 8<sup>th</sup> at a high rate of speed, then saw it "run" the stop sign and strike the pickup.

I read a written witness statement prepared by Janis Klise (attached). She said she heard the "squealing" brakes and looked up and saw a car heading east on 8<sup>th</sup> at a speed she estimated at 45-50 mph. She said the car could not stop and hit the truck. She saw two guys come flying out of the back of the truck.

I read a written witness statement prepared by Nereida Nieves (attached). She said she saw the Honda run through a stop sign and strike the Dodge Dakota pickup. She saw the two men come flying out of the pickup.

I read a written witness statement prepared by Carlos Menendez (attached). He said he saw the Honda Accord, which failed to stop at the stop sign and strike the Dodge Dakota. He said the Dakota came to a complete stop before going through the intersection. He saw the two men fly out of the pickup.

I read a written witness statement prepared by Jennifer Castor (attached). She said she saw the car run the stop sign and hit the truck. She thought the car was going about 35 and just not stopping at the stop sign. She said the impact looked like "one big explosion."

I read a written witness statement prepared by Stephanie Siegel (attached). She said the Honda ran the stop sign. She said the

silver truck drove through the intersection after stopping. She said she saw two gentlemen ejected from the pickup.

09-04-03

I received a copy of the WA State Toxicology results for Brodhead's blood. It indicated Brodhead had no alcohol or drugs in his system.

09-05-03

Bill Waite contacted me. He said Thomas Waite was out of ICU. He confirmed Thomas Waite had a fractured skull and bruising on the front of his brain.

I prepared a search warrant for Brodhead's vehicle, WA license #887JQU. Judge White signed the warrant.

09-09-03

I went to 1315 N. Cedar with Deputy Thornburg to serve the search warrant on Brodhead's vehicle, WA license #887JQU, at 1100 hours. We measured the "crush damage" on the front of the vehicle. We also checked the mechanical condition of the vehicle.

I made the following observations of Brodhead's vehicle, WA license #887JQU.

1. Brodhead's driver's seat was positioned fully to the rear.
2. The front passenger seat was positioned fully to the front.
3. The sunroof was open.
4. The odometer on the vehicle read 214720.
5. Both front tires had a flat spot from sliding to a stop on the pavement, rear tires had no flat spot.
6. The fuel gauge registered one quarter tank of gas.
7. The rear view mirror was facing down as if somebody may have hit it.
8. Armrest in back seat was pulled out of position. Papers and school supplies were located in the back seat.
9. A blue "Old Navy" sweatshirt was in the back seat and baseball cap.
10. Paperwork for Steve Brodhead was located on the front passenger seat.
11. Brake fluid under the hood was at minimum level.
12. No leaks were found around the master cylinder.
13. Brake pedal gets harder after being pumped.
14. I checked the air pressure in all four tires.



I photographed Brodhead's entire vehicle (see photolog).

I gathered a black notebook containing paper, which was located in the rear driver's seat of the vehicle. The book belonged to one of the Hamiltons.

I left a search warrant and copy of return in Brodhead's vehicle.

I submitted the search warrant and return to District Court.

Deputy Thornburg and I also measured the crush damage on the driver's side rear of the Dodge Dakota, WA license #A25268R.

09-10-03

Laurie M. Levar came to 12710 E. Sprague to pick up the black notebook, which belonged to her daughter, R. Hamilton.

09-16-03

I was contacted by Bill Waite. He advised me his son, Thomas Waite, was transferred to a hospital in southern California to be closer to home.

09-24-03

Elder Staggs picked up property from the interior of the Dakota, WA license #A25268R.

09-30-03

I prepared a search warrant for Thomas Waite's medical records. The warrant was signed by Commissioner Seines.

At 1512 hours, Detective Henderson and I went to the Deaconess Medical Records office. I gave Genevieve, the medical records receptionist, a signed search warrant and return of service. She was going to send me Waite's medical records.

10-01-03

I filed a copy of the search warrant and return for Waite's medical records with District Court.

10-14-03

I received a copy of Waite's medical records in the mail.

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I reviewed Waite's medical records. Dr. Jemmett concluded Waite had an occipital fracture and bleeding in the brain among other injuries.

10-17-03

I was contacted by Marvin Callicotte of Sedgwick Insurance. He insured the vehicle, WA license #A25268R (policy #2003-08-13336). His phone number was 1-866-814-8220 extension #2. He told me a collision expert from Motion Research wanted to look at both vehicles involved in the collision. I informed him that would be possible after charges were filed.

10-30-03

Matt Mecham from Motion Research came to Spokane. He examined the scene. I briefed him on the case. He took photographs and crush measurements from both vehicles.

10-31-03

I contacted Sheila Brown, a passenger in Brodhead's vehicle, WA license #887JOU. She said she was riding "shotgun" (front passenger seat) in Brodhead's vehicle on 08-21-03. She said Steven Brodhead was driving. She said Steven got into a disagreement with another driver just before the collision. She said Brodhead drove very fast down 8<sup>th</sup>. She said she looked at the speedometer and saw it hit 70 mph. She said all the passengers yelled at Brodhead to stop at the stop sign, but it was too late. Brodhead slid through the intersection striking Fossum's vehicle.

I completed a probable cause affidavit, charging Brodhead with vehicular assault. I submitted this affidavit to the Spokane County Prosecutor's Office.

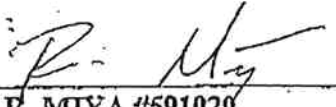
I informed the Waite family of the status of the investigation.

I contacted Steven Brodhead and let him know the status of the investigation.

15

06/05/07

I certify under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.



DETECTIVE R. MIYA #591020  
SPOKANE COUNTY SHERIFF'S OFFICE  
TRAFFIC DIVISION

16

**EXHIBIT B**  
**Report of Officer Walter Loucks**

## SPOKANE POLICE - SHERIFF ADDITIONAL REPORT

DATE 8/21/03	TIME 1410	PHONE PERSON	CHARGE/INCIDENT Auto Collision	D.V.	PAGE OF	REPORT NUMBER 5003-274571
COMPLAINANT: LAST	FIRST	MIDDLE	RACE	SEX	D.O.B.	EMP. AT/SCHOOL
ADDRESS: (DIRECTION, NUMBER, STREET)			STATE	ZIP	HOME PHONE	BUSINESS PHONE
SUSPECT ARREST VICTIM	NAME: LAST	FIRST	MIDDLE N/A AKA	DOB	LOCATION OF INCIDENT	DATE

At 1410 hrs. I was dispatched to 8th & Adams for a two car collision with serious injuries.

I arrived at 1413 hrs. I found a Nissan Accord & Dodge Durango pickup in the intersection with extensive damage. There were numerous bystanders at the intersection & one female told me the male lying on the northeast corner/corner with "hurt bad."

I found the male lying on his left side face down with two male citizens holding him motionless. The male was breathing but it was shallow & he was making a gurgling sound. I checked his pulse at the left wrist & couldn't feel one.

Sgt. Barkley & myself repositioned the male & I maintained his airway until AMR personnel arrived. At that time Barkley took over & I began identifying the people involved. All are listed on the Police Traffic Collision Report.

I interviewed the operator of VEH #1, Fossum. Fossum said he was southbound on Adams & stopped at eighth for the stop sign. He didn't see any vehicles approaching the four way intersection from any direction so he proceeded. From the west he saw lines skidding & got a brief glimpse of a vehicle just prior to it striking the truck.

I spoke to Sheila Brown & Rebecca Hamilton who were both passengers in the vehicle that collided with Fossum's pickup. Both said Steven, driver of VEH #1 was angry with his girlfriend and he was driving "really fast" on the way to their friends house. They couldn't say how fast they were going but they said it was obviously in excess of the 35mph speed limit. Steve suddenly hit the brakes & they slid until they hit the "back" in the intersection.

Both said no one in the car had been drinking or using any controlled substances. I also found no indications that



SPOKANE POLICE - SHERIFF ADDITIONAL REPORT

DATE 82103	TIME 1410	PHONE PERSON	CHARGE/INCIDENT Auto Collision			D.V.	PAGE OF	REPORT NUMBER 5V03-274571
INJURED PARTY: LAST		FIRST	MIDDLE	RACE	SEX	D.O.B.	EMP. AT/SCHOOL	
ADDRESS: (DIRECTION, NUMBER, STREET)				STATE	ZIP	HOME PHONE	BUSINESS PHONE	
SUSPECT ARREST VICTIM	NAME: LAST		FIRST	MIDDLE N/A AKA	DOB	LOCATION OF INCIDENT		DATE

Any of them had been.  
 I completed the P.T.C.R. form & gave it to Cpl. Miga.

Walt Janko #938

**EXHIBIT C**  
**“Additional Report” by Officer**  
**David Thornburg**



## OFFICE OF THE SHERIFF SPOKANE COUNTY

ADDITIONAL REPORTCASE # 03-274571

DATE: 11/16/03

CHARGE / INCIDENT: Vehicular Assault

COMPLAINANT: Reporting Officer

LOCATION OF INCIDENT: 8<sup>th</sup> & Adams

DATE OF INCIDENT: 8/21/03

SUSPECT: Brodhead, Steven D. DOB: 10/26/85

On Tuesday, 9-9-03, I assisted Detective Miya at our vehicle evidence lot to establish the crush profile of two vehicles involved in a serious injury collision at 8<sup>th</sup> and Adams. Two sets of crush measurements were taken, one at bumper level, the other at hood level and then averaged, on the Honda Accord, WA #887JQU, due to it under riding the left side of the 2003 Dodge Dakota pickup, WA #A25268R. Just one set of measurements was taken on the left side of the Dodge and they were done at the bumper height of the Honda.

Vehicle dimensions were taken from the Expert AutoStats program from 4N6XPRT Systems. This program has been used and accepted for years by numerous experts in the field of accident reconstruction. I obtained the frontal stiffness coefficients of the Honda from NHTSA's crash test database. There was no side crash test data for the Dodge, so NHTSA's default stiffness coefficients were used.

Detective Miya asked if I could do a scene work-up to determine the suspect's speed and also check it with my simulation program. Detective Miya gave me the scene diagram so I could complete the aforementioned. From doing the crush analysis, I calculated the delta-V of the Honda to be approx. 17 mph and 10 mph for the Dodge. I then completed a momentum analysis. From my calculations, I determined the Honda to be going approx. 32 mph at impact, with the Dodge being at 12 mph. Also from the momentum analysis, it showed the delta-V of the Honda to be approx. 19 mph

and 11 mph for the Dodge. One should note that both momentum and crush calculated delta-V's are within 2 mph of each other. The Honda slid approx. 260 feet prior to impact, which is an approx. 63 mph speed loss. Combing this speed loss with the impact speed, the Honda was going approx. 70 mph.

I then worked on the simulation model for this crash. The computer program I use is a version of SMAC (Simulation Model of Automobile Collisions) called m-smacRT, which is a REC-TEC version of the m-smac program by McHenry Software.

The SMAC program is used to simulate two-car collisions. It starts with the user's estimates of vehicle speed and position at impact. Based upon these initial conditions, SMAC predicts the outcome of the collision; that is, where the vehicles should come to rest and what the vehicle damage pattern should look like. By repeated adjustments of the initial speeds and directions, you will converge on those which best match the known crash site evidence.

After loading the scene diagram into the SMAC program and doing iterative runs, I came up with a result that matches the true scene very closely. This match has the initial speed of the Honda at 74 mph. After skidding the approx. 260 feet, it gave me an impact speed of 34 mph for the Honda; with the Dodge being 12 mph. Interestingly enough, it calculated the delta-V of the Honda at 19 mph and 10 mph for the Dodge. All of these are within 2 mph of my earlier calculated speeds.

### 09/23/03

On this day I was the Spokane Skill Center teaching collision investigation and traffic safety to the law enforcement class, run by SPD Officer Jerry Mertens. As part of every class like this I teach, I always ask the students who if any had been involved in a collision during their lifetime. One female raised her hand and began to explain her incident to the class and me. As she told her story, it sounded very much like this collision. I asked her if she was in a Honda with a few other friends and hit a Dodge pickup with several occupants at 8<sup>th</sup> and Adams. She answered yes. She then asked if I was the investigator. I told her no, but that I was helping out the lead detective. I asked her if she knew how fast they were going before impact. She then said that they were going around 80 mph shortly before they started skidding. Before leaving after the class was over, I asked Officer Mertens who the girl was that told me about this collision. He said her name was Rochelle Hamilton.

I CERTIFY OR DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF WASHINGTON THAT THE FOREGOING IS TRUE AND CORRECT.

OFFICER: DC Thornburg 966  
Deputy David C. Thornburg #59966

PLACE: Spokane, WA

DATE: 11-16-03