

TEXAS DEPARTMENT OF PUBLIC SAFETY

INTEROFFICE MEMORANDUM

To: Captain Randy McDaniel, THP Conroe

Date: 10/04/04

From: 2C Accident Reconstruction Team

Division: THP

Subject: Fatal Accident, IH 10, Austin County, 08/08/04

After the occurrence of a fatality accident on August 08, 2004 at approximately 5:30 pm on IH-10 at the 727 milepost 1.9 miles east of San Felipe, Texas, the District 2C Accident Team was requested to reconstruct the accident. The accident involved 4 vehicles and 3 fatalities. The initial on scene investigation was conducted by Trooper Randy Stavinoha with assistance by Trooper Jeff Grobe, Sgt. Gary Chandler and Trooper Darin Vacek.

The primary consideration in this reconstruction was to determine all of the causative and contributing factors relating to the collision. The first item to be considered was the vehicles involved. Unit 1 is a 2000 GMC Yukon S.U.V., Texas registration P33-KGD. This vehicle had extensive damage to the right and top sides due to rollover and damage to the left side due to impact from another vehicle. Unit 2 is a 1994 black Honda Civic 4 door, Texas registration S19-FWH. This vehicle suffered damage to the top due to a vehicle rolling over the top of it. Unit 3 is a 1998 blue Honda Civic 4 door, Texas registration ZSW-71R. This vehicle had damage to the top and front. Unit 4 is a 1997 red Ford F-150 pickup, Texas registration XL4-695. This vehicle suffered damage to the left side.

This accident occurred on IH-10 at the 727 milepost, .8 miles west of the Waller County line. IH-10 is a divided Interstate Highway with a grass median. This highway is constructed of asphalt, with two lanes running east and two lanes running west. The roadway has improved shoulders along the right side of the eastbound lanes and along the right side of the westbound lanes. The lanes are clearly marked. This portion of the highway has two, two way feeder roads adjacent to both sides of the highway.

The initial investigation, conducted by Trooper Stavinoha, revealed Unit 1 was traveling eastbound on I-10, in the inside left lane. Units 2, 3, & 4 were all traveling westbound on I-10. According to witnesses and skid marks left at the scene, Unit 1 left the eastbound lanes of I-10, traveled sideways into the grassy median and rolled over in the westbound lane of traffic. Unit 1 became airborne, striking the tops of both Unit 2 and Unit 3. Unit 1 then struck the side of Unit 4, causing it to travel in a side skid off the north side of the roadway, facing eastbound. Unit 2 continued traveling westbound, off the shoulder and through the grass, across the north service road, and into the tall grass under a tree where it finally came to rest. There were no markings on the highway to indicate the area of impact. Unit 3 came to rest facing westbound in the inside lane, shortly after it was struck by Unit 1. There were no markings on the highway to indicate the area of impact. The driver of Unit 1 was pronounced dead at the scene by Austin County Justice of the Peace, Dennis King. Unit 1's passenger, William Finnegan, was flown by Life Flight Helicopter to Hermann Hospital in Houston. Unit 1 passenger was

later pronounced dead at Hermann Hospital due to injuries incurred in the accident. The driver of Unit 2, Brittany Cune, was pronounced dead by Austin County Justice of the Peace, Dennis King, at the accident scene. The driver and passenger of Unit 3, Shalena Hodges, were taken by Austin County EMS to Katy Memorial Hospital. Both occupants in Unit 3 sustained minor injuries. The driver of Unit 4, Dawn Pawlowski, was taken by personal automobile to Bellville Hospital. The driver of Unit 4 sustained minor injuries.

Search Warrant Information:

On August 16, 2004, the 2C Accident Reconstruction Team, along with Sgt. Justin Crane and Trooper Michael Adcock met with Trooper Stavinocha at the Sealy Highway Patrol office at 9:00 am. Sgt. Justin Crane, Trooper Michael Adcock and Trooper Stavinocha traveled to Millers Wrecker Service, located at 545 Acres Lane in Sealy, Texas where a C.D.R. System was used to retrieve data stored on the computer of the Yukon driven by Hubbard Craven.

At approximately 9:40 am, the 2C Accident Reconstruction Team traveled to the scene of the accident to map the scene using the Sokkia Total Station. Sgt. John Tucker, Sgt. Lynn Holland, Trooper Randy Stavinocha, Trooper J. R. Minyard, Trooper David Daley, Trooper Al Eason, Trooper Clay Brown, and Trooper Brian Barina, were all present during the mapping of the scene. Trooper Minyard set up the Total Station, shot the scene, and entered the shot codes. Trooper Barina held the Prism Pole and Trooper Eason mapped the evidence and called the shot codes. Trooper Stavinocha assisted Trooper Eason in identifying the evidence that had been marked during the initial investigation. Sgt. Holland took notes of the shots called. Trooper Daley and Trooper Brown assisted in traffic control.

Sgt. Tucker supervised the scene and collected skid test data using the VC2000 Accelerometer in a 2002 Dodge Intrepid patrol vehicle with anti-lock brakes disabled. Trooper David Daley rode with Sgt. Tucker and observed all measurements taken. The data from the VC2000 Accelerometer was recorded and placed in the accident packet.

Upon completion of mapping the scene, Trooper Minyard and Trooper Wayne Knox downloaded the information and completed a scale drawing of the scene which included the roadway, final rest of the vehicles involved, and evidence documented by Trooper Stavinocha.

Sgt. John Tucker, Sgt. Lynn Holland, Trooper Randy Stavinocha, Trooper J.R. Minyard, Trooper David Daley, Trooper Wayne Knox, and Trooper Brian Barina met again on August 24, 2004 at approximately 9:00 AM at the Sealy Highway Patrol office. Sgt. Holland and Trooper Minyard traveled to Fernandez and Son Wrecker Service located at 3639 FM 1093 W., in Wallis, Texas to examine and photograph the black Honda Civic. Sgt. Tucker, Trooper Stavinocha, Trooper Daley, Trooper Knox, and Trooper Barina traveled to Miller's Wrecker Service at 545 Acres Lane in Sealy, Texas to examine and photograph the black GMC Yukon and to Baiter's Wrecker Service to photograph the blue Honda.

Witness Statements:

On 08/08/04 witness statements were obtained by Trooper Stavinoha during the accident investigation. Statements were taken from occupants of the motor vehicles involved and witnesses to the accident. Angela Sparks, the driver of Unit 3 in the accident, stated she was traveling westbound on IH-10. She stated that she was in the right hand lane, going towards San Antonio. Angela saw all of the vehicles in front of her moving out of the way and a black SUV turning sideways. She hit the SUV "straight on" and then heard the passenger, Shalena Hodges, telling her to get out of the car.

Shalena Hodges, the passenger of Unit 3, stated she was with Angela Sparks at the time of the accident. They were traveling westbound on IH-10 when a black Tahoe or GMC came from across the median. Shalena stated she saw a cloud of brown dirt, and the vehicle became visible to them. They hit the brakes and the SUV flipped onto and over their car.

Patti Berney was driving eastbound on IH-10 and traffic was flowing well until it suddenly began to slow. The vehicle in front of her swerved into right lane to avoid a collision with the vehicle in front of it. The vehicle was a black GMC. The GMC was braking hard to avoid hitting the slow cars in front of it. The GMC left the roadway to avoid a crash and lost control flipping several times. The vehicle then landed on a blue car that was traveling westbound.

Rand Berney was a passenger in the vehicle which Patti Berney was driving. Rand was traveling eastbound on IH-10 and traffic was heavy, but flowing smoothly. They started to slow and a black GMC started to slow to avoid striking vehicles in front of it. The black GMC couldn't slow down in time and swerved into the median, lost control, and flipped several times. The black SUV ended up in the westbound lane of traffic where it landed on top of a blue car.

Kenneth Christopherson stated he was traveling westbound on IH-10, approximately 50 to 75 yards behind the impact. Kenneth was approximately 1 mile west of the Brazos River Bridge and traffic was slowing on the eastbound side. The slowing traffic caught his attention and was looking to see how far backed up it was. He saw the end of the traffic and a black SUV began to leave the roadway into the grassy median. The SUV was partly in the grass median when it began to flip over. The SUV came up and over, then landed on a car, or the car hit it. The vehicle came to rest in the center of the westbound lane. As all this happened he focused on the SUV and his peripheral vision saw other vehicles pulling to the side of the roadway.

Manual Garza stated he was traveling west on IH-10 when a black SUV traveling at a high rate of speed crossed the median. The SUV began to turn sideways in the westbound lane. As it got on the pavement, it started to roll and hit a blue Honda Sedan that was in front of him about 150-200 feet in the outside lane facing east. Manual also stated that the SUV may have struck a red pickup, but not as serious.

Joseph Herman was two vehicles behind the SUV at the time of the accident. Joseph was traveling with the SUV who were friends of his. Joseph said the SUV suddenly swerved across the median and hit several other cars. The SUV rolled before coming to rest.

On October 3, 2004, Trooper Stavinoha spoke with Joseph Herman again. He gave another statement in reference to the accident. He arrived at his friend's dorm room on 8/7/04 sometime in the mid to late afternoon. Nick Flannigan, Scott Caven, and his friend Zac were all there. They all went to get suits for the party at the fraternity house. After obtaining the suits, Joseph and Scott went to play lacrosse before going back to the apartment to get ready. Joseph stated that they went to the party relatively late and had some alcohol. They got home around 4:00 a.m. on the 8th and went to sleep. Joseph, Scott, and Nick woke up about 11:30 a.m. and watched television until 3:00 p.m. They all left and drove to Columbus where they got some dinner at Sonic at 4:40 p.m. or 5:00 p.m. After eating, they left and the accident occurred about 5:30 p.m. or 5:35 p.m. Joseph stated they had some conversation prior to the accident by a text message sent at 5:18 p.m. Joseph stated he seemed fine and he got a response to the text message within 1 or 2 minutes.

Mary Lambert faxed a witness statement and diagram to Trooper Stavinoha sometime after the initial on scene investigation. Mary stated she was traveling west in the inside lane when she saw what she thought was a Suburban in the median out of control. The Suburban crossed behind her and hit a black car on the front driver's side. The Suburban then continued and flipped over. Mary is unsure which lane the black car was in.

Analysis:

It is the opinion of the 2C District Accident Reconstruction Team that the accident reconstruction revealed Unit 1 was eastbound on I-10 in the left lane. Units 2 and 3 were westbound on I-10 in the right lane with Unit 3 behind Unit 2. Unit 4 was also westbound on I-10 in the left lane behind Units 2 and 3.

According to witnesses, the eastbound traffic had slowed due to congestion ahead. Unit 1, rapidly approaching the slowed traffic from behind, suddenly swerved right into the right lane, then swerved back left. The total length of the skid marks on the pavement was 293.61 feet. Unit 1 went into a side skid to the left skidding across the center median and into the westbound lanes of I-10. Unit 1 skid sideways for a total distance of 49.51 feet. Unit 1 then began to roll over to the right. As Unit 1 began to roll, Unit 2 struck Unit 1 in the right front quarter. Unit 1 continued rolling over the top of the hood and sheared the roof off of Unit 2. Unit 2 continued west on I-10, exited the freeway by crossing the grass median, then crossed the north feeder road and came to rest in the wooded area on the north side of the north feeder road facing northwest. Unit 2 was not located until Life Flight landed at the accident scene and notified police personnel of the car in the tree line.

Unit 1 then rolled on top of Unit 3 with the left passenger side of Unit 1 landing on top of the hood and windshield area of Unit 3. After impact, Unit 3 traveled a short distance westbound in the left lane where it came to rest facing west. Unit 1 then rolled off of Unit 3 landing upside down in the right lane of I-10 westbound where the left passenger side of Unit 4 struck Unit 1 in the right front tire breaking the right tie rod end. Red paint transfer was found on the right front rim and tie rod end of Unit 1 from Unit 4. This paint transfer is on the inside part of the rim.

After impact, Unit 4 spun to the left and came to rest in the grass median on the north side of I-10 westbound facing southeast. Unit 1 rolled onto its right side sliding a short distance in the right lane, then rolled upright coming to rest in the right lane facing east.

Conclusion:

IH 10 eastbound in Austin County is a 70 mile per hour road and curves slightly to the left as it crosses the Brazos River .8 miles east of the accident. The speed limit in Waller County, starting at the Brazos River Bridge, is 65 miles per hour. It is not uncommon for traffic to slow as it approaches the river bridge and this slowing is affected by the volume of traffic. The heavier the traffic, the further west traffic starts to slow down.

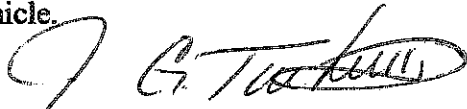
The impact of Units 1 and 2 did not leave any markings on the highway. There were parts of the roof and metal parts on the westbound lanes of IH 10; however, an area of impact could not be determined.

The impact of Unit 1 and Unit 3 occurred in the grill, hood, and windshield area of Unit 3. There was no evidence of the area of impact between these two vehicles.

When Unit 1 was struck by Unit 4, it was skidding across the highway on its top and side. There is evidence of the area of impact with gouging and scraping of the highway by Unit 1.

The Crash Data recovered from Unit 1 was minimal. It indicated that the driver was restrained by his seatbelt and the passenger airbag was enabled. There was not enough data recovered to determine speed.

Due to many variables involved in this accident, such as Unit 1 colliding with three separate vehicles before final rest only a minimum speed could be obtained. The minimum speed obtained was 82 miles per hour. It is the opinion of the 2C District Accident Reconstruction Team that Unit 1, due to driver inattention and failure to control speed, suddenly approached slow moving traffic causing the driver to take faulty evasive action by swerving into the right lane then back to the left and losing control of the vehicle.



Sergeant John G. Tucker