ATTACHMENT 9 PAGE 1 OF 11

STATE OF CALIFORNIA
TRAFFIC COLLISION REPORT
PAGE 1 OF 7

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STATE OF CALIFORNIA TRAFFIC COLLISION CODING

PAGE 2 OF 7

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TELEPHONE

VICTIM OF VIOLENT CRIME NOTIFIED

DAY

9/19/2012

YEAR

STATE OF CALIFORNIA PAGE 3 OF 7 INJURED / WITNESSES / PASSENGERS NGIC NUMBER 9/8/2012 2335 4316 14457 CR12-7573 PASSENGER ONLY EXTENT OF INJURY ("X" ONE) PARTY SAPETY EQUIP. INJURED WAS ("X" ONE) EJECTED AIR BAG FATAL INJURY COMPLAINT OF PAIN BICYCLIST SEVERE INJURY OTHER VISIBLE INJ 25 M X H X 1 1 TELEPHONE SERGIO LOPEZ-JIMENEZ 9/8/1987, 550 N. FAIR OAKS #15, SUNNYVALE, CA. 94086 JURED ONLY) TRANSPORTED BY: **County EMS** Stanford Medical Center DESCRIBE INJURIES LARGE LACERATION TO FOREHEAD. VICTIM OF VIOLENT CRIME NOTIFIED X # 25 TELEPHONE FELICIA SOSA 2/23/1987, 553 E. DUANE, SUNNYVALE, CA, 94086 (408) 680-4771 (INJURED ONLY) TRANSPORTED BY DESCRIBE INJURIES VICTIM OF VIOLENT CRIME NOTIFIED X # 38 TELEPHONE JOHN HERNANDEZ 4/16/1974, 555 E. DUANE, SUNNYVALE, CA, 94086 (408) 655-4107 (INJURED ONLY) TRANSPORTED BY AKEN TO DESCRIBE INJURIES X # 19 TELEPHONE EVERARDO HUERTA JR. 3/14/1993, 558 E DUANE, SUNNYVALE, CA, 94086 (408) 480-9216 (INJURED ONLY) TRANSPORTED BY AKEN TO DESCRIBE INJURIES VICTIM OF VIOLENT CRIME NOTIFIED X * 18 TELEPHONE MIGUEL GARCIA 10/2/1993, 558 E. DUANE, SUNNYVALE, CA, 94086 (408) 701-7039 (INJURED ONLY) TRANSPORTED BY: AKEN TO DESCRIBE INJURIES VICTIM OF VIOLENT CRIME NOTIFIED

TAKEN TO

9/10/2012

14457

REVIEWER'S NAMI

PHILLIPS, AVA 14457

(INJURED ONLY) TRANSPORTED BY:

DESCRIBE INJURIES

PREPARER'S NAME

PHILLIPS, AVA

CHP 556 (Rev 7-90) OPI 042

Date of Incident/Occurrence 9/8/2012	Time(2400) 2335	NCIC NUMBER 4316	OFFICER ID#	NUMBER CR12-7573
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FACTS:

NOTIFICATION: On 09/8/12, at approximately 2336 hours, Sunnyvale Department of Public Safety Personnel responded to the area of Duane and Worley on a report of a major injury traffic collision. Upon arrival, Sunnyvale Police and Fire units found a solo vehicle collision with major front end damage. The driver appeared to have severe injuries. The vehicle had been traveling westbound on Duane at a high rate of speed. The vehicle sideswiped a parked Chevy Suburban before rear ending a parked Dodge Durango. The force of the impact sent the Durango across westbound and eastbound lanes of traffic, over a curb, through a front yard, and into the residence located at 484 E. Duane.

Initial arriving police units contacted the driver, who was seated in the driver's seat. Upon contacting the subject, officers noticed an odor of an alcoholic beverage coming from the driver's breath and person. The driver was transported to Stanford Hospital.

Due to the severity of the collision, police personnel requested the Major Accident Investigation Team (M.A.I.T.) respond to investigate the collision. As a part of M.A.I.T., I responded from out of the city and arrived on scene at approximately 0120 hours. All times, speeds and measurements in this investigation are approximate. Measurements were taken by total station and Lidar Laser, except where otherwise indicated.

*Note: CSI Isaacs and CSI Cortese's supplemental reports are located in the ARS system.

SCENE: At the scene of this collision, Duane Avenue is an eastbound/westbound residential roadway consisting of 2 lanes. The eastbound and westbound lanes are delineated by a double yellow painted divider. The roadway is curved and level. The surface is composed primarily of asphalt. Worley Avenue is a northbound/southbound residential roadway consisting of 2 lanes. Worley terminates at Duane creating a T intersection. Traffic traveling northbound on Worley is controlled by a stop sign at Duane. Traffic traveling eastbound and westbound on Duane is uncontrolled. The roadway is relatively straight and level. The surface is composed primarily of asphalt. Refer to the Factual Diagram for further details.

At the time of the collision the roadway was dry and traffic was light. It was dark out and the street was illuminated by street lamps.

PARTIES:

<u>Driver #1</u> (Lopez-Jimenez) was initially located by K9 Pistor sitting in the driver's seat of his vehicle. He had a large laceration to his forehead and was bleeding heavily from his wound. CSI Isaacs and PSO Werner identified Lopez-Jimenez by a Mexican ID card found inside his wallet. Lopez-Jimenez (9/8/87) was matched in CJIC via his tattoos with a PFN of EBI063. (refer to CSI Isaacs supplemental ARS report) CJIC also confirmed an address of 550 N. Fair Oaks #15 for the driver Sergio Lopez-Jimenez. Additionally, the vehicle involved in the collision returned to Sergio Jimenez with an address of 550 N. Fair Oaks #15, with a release of liability and transfer date of 07/16/12.

PREPARER'S NAME AND I.D. NUMBER	DATE	REVIEWER'S NAME	DATE
PHILLIPS, AVA 14457	9/10/2012		

CHP 556 (Rev 7-90) OPI 042

Date of Incident/Occurrence 9/8/2012

NCIC NUMBER
OFFICER ID # NUMBER
14457

CR12-7573

V1 Cadillae STS Lic# 2XXG383, Driver #1's vehicle, a maroon Cadillae STS CA lic #2XXG383, was located facing westbound along the north curb line of Duane near the intersection of Worley. V1 sustained total front end damage. The driver's side airbag deployed during the collision. There was a large amount of blood throughout the passenger compartment. (See CSI Isaacs Photographs)

V2 Chevy Suburban Lic# 4NMU752, was found parked on the street, facing westbound along the north curb of Duane. V2 sustained moderate to major damage to the front driver's side wheel assembly, fender and bumper.

V3 Dodge Durango Lic#6CGK079, was found facing southbound on the front porch area of 484 E. Duane. V3 was intruding slightly into the front door and garage area of the residence. The Durango sustained moderate to major front and rear end damage.

PHYSICAL EVIDENCE:

Skid marks, tracks and gouges, debris, and vehicle parts were located throughout the roadway at the scene of the collision. Evidence was documented by photograph and total station.

I observed a bottle of Listerine mouthwash underneath the front passenger seat of V1. I also observed an empty bottle of Skyy vodka in the trunk of V1. I left the items in place and showed them to CSI Isaacs. CSI Isaacs photographed and collected the items as evidence.

OTHER FACTUAL INFORMATION:

D1 was unlicensed, in violation of 12500(a) CVC. D1's criminal history showed a prior D.U.I. arrest and conviction in 2011, Docket PA 43460-B1157499. D1 has a DMV license number of X3746020. D1 is on court probation for D.U.I. through 12-18-14.

STATEMENTS:

Party-1 (Lopez-Jimenez, Sergio): D1 was contacted while in the driver's seat of his vehicle by K9 Pistor. Upon initial contact, D1 was unconscious. As K9 Pistor checked D1's vital signs, D1 became alert and began talking to him. D1 claimed he had not been driving or drinking alcohol prior to the collision. (See K9 Pistor's DUI report for further details).

Witness Felicia Sosa (408-680-4771): On 09/10/12, I contacted Witness Felicia Sosa (02/23/87) in front of her residence. Sosa lives at 553 E. Duane. This residence is directly in front of where the collision occurred. Sosa related that the evening of the collision she entered the garage just prior to the collision. After closing the garage door she heard the sound of an engine revving and tires "squealing" followed by a big crashing sound. She went outside and saw that V1 had collided with the Dodge Durango, which had been parked in front of her house. V1 was smoking and the driver was attempting to get out of the vehicle. She said he was unable to exit the vehicle

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PREPARER'S NAME AND I.D. NUMBER	DATE	REVIEWER'S NAME	DATE
PHILLIPS, AVA 14457	9/10/2012		

CHP 556 (Rev 7-90) OPI 042				
Date of Incident/Occurrence 9/8/2012	Time(2400) 2335	NCIC NUMBER 4316	OFFICER ID# 14457	NUMBER CR12-7573

due to his injuries and bystanders were telling him to not to move because he was seriously hurt. The driver spoke in Spanish, stating that he didn't know what had happened.

The police arrived on scene shortly after the collision and contacted the driver, who was still seated in the driver's seat.

Sosa stated prior to entering the garage, the roadway was quiet with no other vehicles speeding or driving erratically. She did not see or hear any other vehicles on the roadway at the time of the collision or following the incident.

Witness (Garcia, Miguel): I spoke with Miguel on 09/10/12 at his residence, 558 E. Duane. Miguel stated he was sitting at the kitchen table eating at the time of the collision. He heard a loud crashing impact, followed by a secondary thudding impact. He went outside and saw bystanders assisting D1 who was in the driver's seat of V1. Miguel looked over and saw the Dodge Durango crashed into the front of 484 E. Duane. He ran over to the Durango to check on the occupants and render aid. He found the vehicle unoccupied.

Miguel did not see or hear the sound of any other vehicles at the time of the collision.

Other (Huerta Jr., Everardo): I spoke with Everardo on 09/10/12 at his residence at 558 E. Duane. Everardo stated his mother is the owner of V2, Chevy Suburban Lic# 4NMU752. Everardo is normally the only person who drives the vehicle and he uses the vehicle occasionally, on average once a month. Everardo parked the vehicle along the north curb of Duane earlier in the week. The vehicle was parked in the place he had left it on the north curb of Duane at the time of the collision. There was no previous damage to the vehicle prior to the collision. Everardo was not home at the time of the collision.

Witness (Hernandez, John): I spoke with Hernandez on 09/10/12 at his residence at 555 E. Duane. Hernandez stated he was in his living room at the time of the collision. He heard the loud sound of an engine from a vehicle traveling westbound. It sounded as if the driver had "floored it", or stepped on the accelerator all the way to the floor. He heard the first small sound of the impact with the suburban, immediately followed by the loud impact into the Durango followed by the impact of the Durango into the house. Hernandez immediately exited his residence; the maroon vehicle was "smoking". Hernandez went to check on the driver sitting in the diver's seat. D1 remained in the Driver's seat until police officers arrived a short time later.

Hernandez did not believe the driver of the vehicle had hit his brakes prior to impact, explaining that the engine revving sound directly preceded the impact. There was no apparent sound of braking and the vehicle may have been accelerating at the time of impact. Hernandez did not see or hear any other vehicles on the roadway before or after the collision.

PREPARER'S NAME AND I.D. NUMBER DATE REVIEWER'S NAME DATE
PHILLIPS, AVA 14457 DATE

STATE OF CALIFORNIA

NARRATIVE/SUPPLEMENTAL

CHP 556 (Rev 7-90) OPI 042

Date of Incident/Occurrence	Time(2400)	NCIC NUMBER	OFFICER ID#	NUMBER
9/8/2012	2335	4316	14457	CR12-7573

OPINIONS AND CONCLUSIONS

<u>SUMMARY:</u> V1 was traveling westbound on Duane approaching Worley. D1 depressed the accelerator causing the vehicle engine to rev and the vehicle to increase in speed. V1 was traveling at a high rate of speed and failed to negotiate the curve in the roadway. V1 sideswiped V2 (parked). V1 then struck the rear end of V3 (parked). The impact from V1 caused V3 to travel across the westbound and eastbound lanes of Duane at which point it left the roadway. V3 drove over the front lawn and landscaping of 484 E. Duane, colliding into the front door and garage of the residence.

DUI NARRATIVE:

D1 was found to be Driving while Under the Influence. D1 was issued a citation for the violation. Refer to K9 Pistor's D.U.I. report.

AREA OF IMPACT:

AOI #1: AOI #1 was the initial impact of V1 into V2. AOI #1 was located 70 feet east of the east curb prolongation of Worley and 5 feet south of the north curb line of Duane.

AOI #2: AOI #2 was the impact of V1 into V3. AOI#2 was 40 feet east of the east curb prolongation of Worley and 3 feet south of the north curb line of Duane.

AOI #3: AOI #3 was the impact of V3 into the south curb of Duane. AOI#3 was 25 feet west of the west curb prolongation of Worley. The AOI was on the south curb of Duane.

AOI #4: AOI #4 was the impact of V3 into the residence located at 484 E. Duane. AOI#4 was 57 feet west of the west curb of Worley and 32 feet south of the south curb of Duane.

<u>CAUSE</u>: D1 caused the collision by Driving while under the influence. D1 also made an unsafe turning movement, veering from the roadway while traveling at an unsafe speed. Both of these are associated factors to the collision.

RECOMMENDATIONS

 I recommend that charges be filed against D1, Sergio Lopez-Jimenez for Driving while Under the Influence while on probation for DUI and for being an unlicensed driver. Lopez-Jimenez was cited on Citation T447359 by PSO Werner.

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Date of Incident/Occurrence	Time(2400)	NCIC NUMBER	OFFICER ID#	NUMBER
9/8/2012	2335	4316	14457	CR12-7573

FACTS:

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PARTIES:

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CHP 556 (Rev 7-90) OPI 042

Date of Incident/Occurrence 9/8/2012	Time(2400)	NCIC NUMBER	OFFICER ID#	NUMBER
	2335	4316	14457	CR12-7573

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CHP 556 (Rev 7-90) OPI 042

Date of Incident/Occurrence Time(2400) 9/8/2012 2335	NCIC NUMBER	OFFICER ID#	NUMBER
	4316	14457	CR12-7573

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OPINIONS AND CONCLUSIONS

SUMMARY: V1 was traveling westbound on Duane approaching Worley. D1 depressed the accelerator causing the vehicle engine to rev and the vehicle to increase in speed. V1 was traveling at a high rate of speed and failed to negotiate the curve in the roadway. V1 sideswiped V2 (parked). V1 then struck the rear end of V3 (parked). The impact from V1 caused V3 to travel across the westbound and eastbound lanes of Duane at which point it left the roadway. V3 drove over the front lawn and landscaping of 484 E. Duane, colliding into the front door and garage of the residence.

DUI NARRATIVE:

D1 was found to be Driving while Under the Influence. D1 was issued a citation for the violation. Refer to K9 Pistor's D.U.I. report.

AREA OF IMPACT:

AOI #1: AOI #1 was the initial impact of V1 into V2. AOI #1 was located 70 feet east of the east curb prolongation of Worley and 5 feet south of the north curb line of Duane.

AOI #2: AOI #2 was the impact of V1 into V3. AOI#2 was 40 feet east of the east curb prolongation of Worley and 3 feet south of the north curb line of Duane.

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CAUSE: D1 caused the collision by Driving while under the influence. D1 also made an unsafe turning movement, veering from the roadway while traveling at an unsafe speed. Both of these are associated factors to the collision.

RECOMMENDATIONS

I recommend that charges be filed against D1, Sergio Lopez-Jimenez for Driving while Under the Influence while on probation for DUI and for being an unlicensed driver. Lopez-Jimenez was cited on Citation T447359 by PSO Werner.

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