

FLORIDA HIGHWAY PATROL

SUBJECT: TRAFFIC HOMICIDE INVESTIGATION RELEASE

CASE NO.: FHP 711-07-031

INVESTIGATOR:

Corporal Dana L. Asbell

133 S. Semoran Blvd., Suite A, Orlando, FL 32807

407-249-6466

This is to certify that the above captioned case was reviewed by the Florida Highway Patrol and does not meet the Florida Highway Patrol's requirements for State Attorney review or release. The Florida Highway Patrol will release the above captioned case as a public record in accordance with Florida Statutes.

Robert B. Blackwell

(Signature of Reviewing Supervisor)

Robert B. Blackwell

(Reviewing Supervisor's Name - Typed/Printed)

11/1/2011

(Date)

A.W. SAPP

(Signature of Approving Supervisor)

A.W. SAPP

(Approving Supervisor's Name - Typed/Printed)

11-02-11

(Date)

FLORIDA HIGHWAY PATROL



TRAFFIC HOMICIDE INVESTIGATION

Prepared By: Corporal Dana L. Asbell
Law Enforcement Investigator I

Case Number FHP 711-07-031

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Investigation Conducted by: Corporal Dana L. Asbell Corporal Dana L. Asbell 9/30/11
Traffic Homicide Investigator Date

Investigation Reviewed by: Wesley Robert B. Blackwell 11/1/2011
Supervisor Blackwell Date

Investigation Reviewed by: LT A.W. SAPP 11-02-11
Captain Date

Case Number FHP 711-07-031

INVESTIGATIVE REPORT

ASSIGNMENT

On Tuesday, May 31, 2011, at 10:44 P.M., I was dispatched by Orlando Florida Highway Patrol communications to a traffic crash involving a passenger car and smoker/grill fixed on a trailer. This crash resulted in one fatality. The crash occurred at approximately 10:21 P.M. in the evening hours. The crash occurred on County Road 526 (Old Winter Garden Road), 155 feet east of DeLeon Avenue, in Orange County. I arrived on the scene at 11:41 P.M. to conduct a Traffic Homicide Investigation.

ROADWAY

County Road 526, (Old Winter Garden Road) is a designated east/west roadway. In the area of the crash, there are two eastbound through lanes, two westbound through lanes and a bi-directional turn lane. The through lanes are separated by an intermittent white painted lines. The eastbound outside through lane measures 11 feet 4 inches. The eastbound inside through lane measures 12 feet and the bi-directional turn lane measures 13 feet 8 inches. The westbound inside through lane measures 11 feet 2 inches. The westbound outside through lane measures 11 feet 10 inches. There are no street lights in the area of collision. The bi-directional turn lane separates the eastbound and westbound lanes of Old Winter Garden Road. This lane is separated from both the westbound and eastbound inside lanes by a solid yellow painted line with an intermittent yellow painted line inside each solid line. The outside edges of Old Winter Garden Road are marked by solid white painted lines and are abutted by 2 foot wide gutters/curbs. There are signs erected for eastbound and westbound traffic on Old Winter Garden Road advising of a 45 miles per hour speed control zone. The eastbound speed limit sign is located 1.7 mile west of the Area of Collision (AOC). The

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westbound speed limit sign is located .4 mile east of the AOC. The superelevation and grade are negligible. At the area of collision, SR 526 has a 89.95 degree curve to a southerly direction. The radius of the curve is 1,254.5 feet. Neither the roadway, nor the traffic control signs, and/or systems contributed to this collision. There were no street lights in the area of collision.

VEHICLE: V-1:

V-1 is a green, 1998 Lincoln Navigator SUV, FL tag J625EC. The VIN number is 5LMRU27LOWLJ56059. V-1 is equipped with a power assisted front and rear disc brake system, power assisted steering, and an automatic transmission. V-1 is equipped with side impact, driver and front right passenger air bags, which did deploy in the crash. V-1 is equipped with 3-point harness style safety belts for the driver and the front right passenger. The rear left, center and the rear right passenger seats are also equipped with 3-point harness style safety belts. V-1 did not have a separate trailer brake system installed to pull trailers.

V-1 was pulling a homemade trailer with a smoker/trailer attached. There is no visible VIN nor a tag attached. The smoker/trailer wiring harness appeared to have the wires pulled apart at the tongue area. There was not a plug attached to the end of the wiring harness to allow connection for power to the lights. There were 4 tires attached to 2 separate axles. The overall length of the smoker/trailer including the smoker was 21 feet. V-1 had a plug available for a wiring harness; however, it appeared to have a cobweb inside with no signs of a recent connector plugged into it.

Occupant: V-1: Driver (D-1): D-1, Richard S. McReynolds, date of birth, October 9, 1968, is a black male who was 42 years old at the time of the crash. D-1 resides at

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2416 Caribbean Court, Orlando, FL 32805. D-1 possessed a valid Florida class "A" CDL license with no restrictions and a motorcycle endorsement at the time of crash. D-1 was utilizing his seat belt. His air bag did not deploy. D-1 did not sustain any injuries in the crash. D-1 was traveling east on Winter Garden Road in the outside lane. D-1 had picked up the smoker/trailer, just prior to the crash, from 3726 Old Winter Garden Rd, Orlando, FL 32805. D-1 was moving the smoker/trailer to another location for a friend, Shredrick D. Wright. D-1 was familiar with his vehicle and the route he was taking. As Trooper Oliver and Corporal McNab spoke with D-1 at the scene of the crash, they did not detect any signs of impairment from alcohol or drugs. There were no other occupants in the vehicle.

VEHICLE: V-2:

V-2 is a green, 1988 Ford Mustang Convertible. V-2 displayed FL tag H998QK. The VIN number is 1FABP44A1JF110722. V-2 is equipped with a power assisted front disc and rear drum brake system. V-2 is equipped with power assisted steering. V-2 is equipped with an automatic transmission. V-2 is not equipped with driver and front right passenger air bags. V-2 is equipped with lap belt style safety belts for the driver and the front right passenger. V-2 is equipped with lap belt style safety belts for the rear right and rear left passengers. The rear right passenger belt was lodged behind the seat.

Occupant: V-2: Driver (D-2): D-2, Wanda Evette Keyes, date of birth, October 7th, 1969, is a black female who was 41 years old at the time of the crash. D-2 resided at 711 20th street, Orlando, FL 32805. D-2 possessed a valid Florida class "E" operator's license with no restrictions and no endorsements at the time of crash. D-2 was not

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utilizing her seat belt. D-2 sustained fatal injuries from the crash. D-2 was traveling westbound on Old Winter Garden Road in the right through lane. It is unknown where D-2 was on her way to. D-2 was familiar with her vehicle and the route she was taking. D-2 was pronounced deceased on scene by Orange County Paramedic Ramirez at 10:40 P.M.

Occupant: V-2: Rear (Second) Left (O-1): Treasure Keyes, date of birth May 7, 2004, is a black female who was 7 years old at the time of the crash. O-1 resided with her mother (D-2) at 711 20th Street, Orlando, FL 32805. O-1 was utilizing her seat belt. O-1 did not sustain any injuries in the crash.

INVESTIGATION

Upon my arrival, I observed V-1, the smoker/trailer V-1 was pulling, and V-2 at their final rest positions. The weather conditions were clear. V-1 was facing west on the westbound shoulder of Old Winter Garden Road, east of the intersection of DeLeon Avenue, parked there by D-1. A photo was taken of the rear of V-1, showing the ball hitch attached. V-2 was facing west on Old Winter Garden Road at the intersection of DeLeon Avenue. D-2 was behind the wheel of V-2, deceased. There were visible tire and fluid marks in the area of collision leading up to V-2. The front left of V-2 had crash damage leading down the left side to the convertible top at the "B" pillar. The smoker/trailer that was being pulled behind V-1, became detached and was facing in a northeasterly direction on the westbound, inside lane of Old Winter Garden Road. There were visible gouge marks in the area of collision leading to the smoker/trailer final rest. There was only one safety chain attached to the tongue area of the smoker/trailer. The hook on the chain appeared to be stretched out. The chain was rusty, and looked to

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be corroded at the contact point, where it attached to the tongue area on the smoker/trailer.

Trooper Catherine A. Oliver was the first trooper to arrive on scene. Trooper Oliver had a recruit, Trooper Justin J. Young, who also responded and assisted. Trooper Oliver conducted the traffic crash investigation. Upon my arrival, I met with Trooper Oliver who relayed the facts of the crash as she knew them. I completed a field sketch and took measurements. Sergeant John H. Britt Jr. was the supervisor on scene. Corporal Philip McNab responded to the scene and assisted in taking measurements and photographs. A zero point and reference line were established to document the evidence at the scene. The reference line was identified as a 300' cord pulled straight, extending from the zero point west on Old Winter Garden Road. The zero point was established as the intersection of a lateral line extending north from concrete utility pole #026074 with the reference line. This pole is located south of Old Winter Garden Road and east of DeLeon Avenue, 45' south of Old Winter Garden Road from the zero point.

Vehicle one, V-1, was traveling eastbound on Old Winter Garden Road in the outside right through lane. V-1 was in tow, pulling a trailer that was converted into a smoker, behind it. V-1's smoker/trailer became detached. V-1's smoker/trailer veered to the right colliding with the eastbound outside curb on Old Winter Garden Road. This was identified by a tire scuff mark. This is the first area of collision (AOC), this was located at 300 feet west of the zero point and 25 feet south of the reference line. Following the first collision, V-1's smoker/trailer then veered to the left crossing the eastbound inside lane, the bi-directional turn lane, then into the westbound inside lane of Old Winter Garden Road. V-1's smoker/trailer traveled 227 feet 4 inches prior to colliding with Vehicle Two.

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Vehicle Two, V-2, was traveling westbound on Old Winter Garden Road, in the outside right through lane. V-1's smoker/trailer encroached into V-2's path as V-2 traveled west. V-1's smoker/trailer collided with the front left of V-2. This was determined by gouge marks in the roadway. This is the second AOC this was located at 81 feet west of the zero point and 36 feet 4 inches north of the reference line. Following this collision, V-1's smoker/trailer rotated counterclockwise 8 feet 9 inches in a southeasterly direction to final rest. During this collision, V-1's smoker/trailer left front tire came off. V-1's smoker/trailer tire traveled in a southwesterly direction 175 feet 11 inches to final rest on the south shoulder of Old Winter Garden Road. V-2 veered to the right, traveling an additional 42 feet 5 inches in a westerly direction, before colliding with the outside westbound curb. This is the third AOC which occurred 124 feet 3 inches west of the zero point and 46 feet 9 inches north of the reference line. Following this collision, V-2 traveled an additional 118 feet 4 inches in a westerly direction, to final rest, facing westbound in the outside through lane of Old Winter Garden Road.

On June 1, 2011, at 1:05 A.M., I took a sworn, digitally recorded statement from Stephanie Marie Ednie. Miss. Ednie stated she and her passenger were traveling west on Old Winter Garden Road in the inside lane, behind V-2. As they traveled west, she saw a shadow of something traveling toward the westbound lanes. Miss. Ednie stated when they got closer she realized a crash had occurred.

On June 1, 2011, at 1:15 A.M., I took a sworn, digitally recorded statement from Matthew Phillip Sparks. Mr. Sparks stated he was a passenger in the vehicle with Miss. Ednie. He stated they were traveling westbound on Old Winter Garden Road. He stated he and Miss. Ednie were traveling behind V-2, several yards back, when he saw

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a silhouette of a large item coming toward the westbound lanes. Mr. Sparks stated, as they approached the area, that was when they realized the smoker/trailer hit V-2. Mr. Sparks stated he called 911. Mr. Sparks and Miss. Ednie sat with O-1 until help arrived. On June 1, 2011, at 1:24 A.M., Corporal Philip McNab took a sworn, digitally recorded statement from D-1, Richard S. McReynolds. Mr. McReynolds stated he was towing the smoker/trailer for a friend, (Shredrick D. Wright). He had just left Mr. Wright's mechanic shop/car lot, approximately ½ mile east of Ferguson Drive, located at 3726 Old Winter Garden Road, Orlando, FL 32808. He was asked to tow the smoker/trailer to a new shop location, located on 5100 Orange Blossom Trail and Americana Blvd. Mr. McReynolds stated Mr. Wright hooked the smoker/trailer up to his vehicle. Mr. McReynolds stated he did not check to see if there was a valid tag attached to the smoker/trailer, or if there were any working lights. Mr. McReynolds stated Mr. Wright jumped up and down on the smoker/trailer after he connected it to his vehicle. Mr. McReynolds stated he assumed Mr. Wright plugged the smoker/trailer in to his vehicle, he did not check. Mr. McReynolds stated he did not recall if the lights were working when he drove away from the shop location. Mr. McReynolds stated he was traveling eastbound on Old Winter Garden Road when he heard a horn sound. Mr. McReynolds looked to his left, and saw the smoker/trailer had become detached. Mr. McReynolds saw sparks coming from the smoker/trailer as the smoker/trailer crossed over the lanes of Old Winter Garden Road. Mr. McReynolds saw the smoker/trailer hit a vehicle. Mr. McReynolds immediately turned around and returned to the scene of the crash.

On June 27, 2011, at 3:56 P.M., I took a sworn, digitally recorded statement from Janice Mixon Hales. Ms. Hales stated she was on her way home from work. She was

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traveling west on Old Winter Garden Road from John Young Parkway, in the left lane. It was a dark area. She heard a loud banging of glass and crash in front of her. Ms. Hales stated she saw a large, dark item traveling toward her lane. She did not see any lights on the smoker/trailer. Ms. Hales stated she was able to avoid it by swerving into the turn lane, the Smoker/Trailer passed her. She stated the smoker/trailer landed behind her somewhere. As she drove further west, she saw a car stopped. She assumed someone had gotten hurt. She stopped to check on the people involved. As she approached the vehicle (V-2), and noticed it was a convertible car, with the top half up, half down. She noticed a little girl in the back seat crying out to her mother to wake up. Two other people also stopped to assist. As she reached in to check on D-2, a police officer (Orange County Deputy Sheriff Michael Pollock) approached and told her not to touch anything. She then attended to the little girl (O-1). She took O-1 out of the vehicle. Several minutes had passed when she noticed a green navigator on scene, with a man and woman in it. She did not know when the green navigator returned to the scene.

On June 27, 2011, at 5:07 P.M., I took a sworn, digitally recorded statement from Kenneth Allen Sawyer Sr. Mr. Sawyer stated he was traveling eastbound on Old Winter Garden Road. Mr. Sawyer stated he was transporting a car on the back of his wrecker. Mr. Sawyer stated he was traveling at a speed of 35 miles per hour. He stated he was neither gaining, nor losing distance between V-1 and him. Mr. Sawyer stated he was approximately 120-125 yards behind V-1 when he noticed V-1 pulling the smoker/trailer. Mr. Sawyer stated he noticed the smoker/trailer was swerving from side to side behind V-1, as if it was not properly hooked up. Mr. Sawyer stated, all of the sudden, the smoker/trailer came off of V-1, veered to the right, the smoker hit the curb. Following

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the collision with the curb, the smoker/trailer then bounced back onto the roadway. The smoker/trailer then veered back to the left, crossing Old Winter Garden Road, toward the westbound traffic lanes of Old Winter Garden Road. Mr. Sawyer stated he then saw the smoker/trailer crash into a car. Mr. Sawyer stated the smoker/trailer tire came off, bounced back toward the eastbound traffic. Mr. Sawyer stated he turned his wrecker lights on to warn traffic. Mr. Sawyer stated he approached V-2 to assist with the injured. Mr. Sawyer stated O-1 had a seat belt wrapped around her neck. Mr. Sawyer stated he did not recall if V-1 had lights on prior to the crash. Mr. Sawyer stated, in his opinion, he did not think D-2 saw the smoker/trailer approach her vehicle. Mr. Sawyer stated a police officer arrived on scene moments later.

On September 9, 2011, at 11:09 A.M., Corporal McNab took a sworn, digitally recorded statement from Shredrick D. Wright. Mr. Wright stated Mr. McReynolds was helping him move, from one location, 3726 Old Winter Garden Road, Orlando FL, to another location, 5100 Orange Blossom Trail, Orlando, FL. Mr. Wright stated he did not own the smoker/trailer. It was being stored at his shop by a man name Pete. He does not know Pete's last name. Mr. Wright stated Mr. McReynolds did not work for him, and was not being paid to help him move. Mr. Wright stated he had hired some laborers to assist him in moving as well. Mr. Wright stated he did not hook the smoker/trailer up to V-1, that a laborer he hired hooked it up to V-1. Mr. Wright stated Mr. McReynolds did not hook the smoker/trailer up either. He stated Mr. McReynolds is handicapped, he stayed in his vehicle. Mr. Wright stated he assumed the smoker/trailer was hooked up properly due to the fact there was a steep incline when you exit his business, and the smoker/trailer would have popped off at that point. Mr. Wright stated he stood at a

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distance, he did not know if the person that hooked up the smoker/trailer hooked up the lights. Mr. Wright stated, there were lights on the smoker/trailer, he did not know if the lights worked. Mr. Wright stated he believed the smoker/trailer was properly hooked up. From a distance, he saw the guys jump up and down, shake it to assure it was secure. Mr. Wright stated he told the guys to make sure the safety chains were hooked up for safety. Mr. Wright stated he thought the smoker/trailer came off of V-1 due to a faulty coupler and excessive speed.

On Wednesday, June 1, 2011, Corporal McNab and I completed a post-collision inspection of V-1 at The Florida Highway Patrol Station located at 133 South Semoran Blvd, Orlando, FL 32807. V-1 had no crash damage from the May 31, 2011 incident. V-1 still had the 3 way hitch attached to the rear. V-1 had the 2 5/8 inch ball in the upright position for tow. An examination of the smoker/trailer plug insert, revealed a cob web inside. The cob web did not look disturbed. V-1 had miscellaneous paint missing from the hood area. V-1 had a scuff mark from a previous crash on the left rear bumper.

On Friday, June 3, 2011, I completed a post-collision inspection of V-1's smoker/trailer at Ace Wrecker Company located at 12 West Mckey, Ocoee, FL 32761. The metal mesh shelf on the left front and the left fender was the area of collision. The smoker/trailer was missing the left front tire. The wheel was sheared off at the axle. The smoker/trailer was not equipped with brakes. The left fender was removed due to crash damage, and placed on the rear of the trailer. The missing tire had a slice in the outside wall. The wheel was bent outward in a folding manner. The wiring harness was disconnected from any type of connector. The right fender had damage. There was a

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light attached to the left fender with no wires connected. The light was blown, with no evidence of hot shock. There were wires wrapped around the rear left and rear right frame. There was no visible tag or VIN on the smoker/trailer. The recommended ball for this smoker/trailer is the 2 5/8 inch ball, which V-1 was using at the time of the crash. There was only one safety chain attached to the smoker/trailer. There was a rusted link attached where it appeared to have pulled away. The existing chains hook was stretched out. A test was performed of the locking mechanism by Jimmy Sills, the manager of Ace Wrecker. When he placed a 2 5/8 inch ball under the coupling, it failed to lock. He also placed a 2 inch ball under the coupling, the lock still would not secure. It is my opinion that the locking mechanism was not in good working order.

On Friday, June 3, 2011, I completed a post-collision inspection of V-2 at Ace Wrecker Company located at 12 West Mckey, Ocoee, FL 32761. The AOC was to the front left fender. There were 5 inch to 6 inch deep scrape marks beginning on the left fender. There was a surface scrape mark from the front edge of the driver's door to the center. The windshield had a spider crack which started in the center left at the left "A" pillar. The crack radiated from the left to the right side throughout the windshield. The left front side of the convertible top had damage where it was forced rearward. The left side convertible hinge was broke in half. There were pry-marks made at the opening of the driver's door from EMS. This caused induced damage to the rear left quarter panel. The rear left quarter panel was dented inward 1" by an 8" space. The right front corner light lens was broken. The left headlight lens was broken. The left corner lens assembly was pushed rearward. The left front tire was flattened by a gouge in the tire side wall. The left outside rearview mirror was hanging by its wires.

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District Nine Associate Medical Examiner, Dr. Joshua Stephany, stated the cause of death for D-2, Wanda Evette Keyes, was due to blunt head trauma. D-2 suffered a deep laceration to the left side of her face, with extensive fractures of her left facial bone and left jaw. She suffered a subdural hemorrhage, and contusions and lacerations to her forehead. She suffered a fracture to the base of her skull and calvaria. She had an abrasion on her upper back and left knee. A sample of D-2's blood was sent to the Wuesthoff Reference Laboratory for analysis. Analyst Susan R. Adams reviewed the results, which were found to be negative for alcohol and illicit drugs.

There is no evidence to indicate unlawful speed was a factor in this crash. The physical evidence left by V-1's smoker/trailer clearly establishes V-1's smoker/trailer encroached into V-2's lane as V-2 continued to travel west on Old Winter Garden Road. Although D-1 stated he did not secure the smoker/trailer to V-1 or the owner, he still assumes responsibility for the overall safety of the smoker/trailer hookup; lights, safety chains, hitch lock. D-1 failed to check if the smoker/trailer was properly registered, and therefore it should not have been driven on any roadways designated for traffic. D-1's disregard to these details was a direct factor which resulted in the consequential impact with V-2.

SUMMARY

Based on the available facts of this investigation, witness statements and the physical evidence, the following is concluded. V-1 was traveling eastbound on Old Winter Garden Road in the right outside through lane pulling a smoker/trailer behind. V-2 was traveling westbound on Old Winter Garden Road in the right outside through lane. V-1's smoker/trailer became detached from V-1. V-1's smoker/trailer collided with the eastbound outside curb, and then traveled across Old Winter Garden Road into the path

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of V-2. V-1's smoker/trailer encroached into V-2's lane by several feet. D-1 failed to properly secure V-1's smoker/trailer and verify the trailer was safe for transport. As a result of the crash, D-2 sustained fatal injuries.

For not ensuring the smoker/trailer was properly registered, D-1 was in violation of **Florida §316.605 Licensing of vehicles**, which states; "(1) Every vehicle, at all times while driven, stopped, or parked upon any highways, roads, or streets of this state, shall be licensed in the name of the owner thereof in accordance with the laws of this state unless such vehicle is not required by the laws of this state to be licensed in this state and shall, except as otherwise provided."

For not ensuring the smoker/trailer was properly secured, D-1 was in violation of **Florida §316.530, Towing requirements**, which states: "(2) When a vehicle is towing a trailer or semitrailer on a public road or highway by means of a trailer hitch to the rear of the vehicle, there shall be attached in addition thereto safety chains, cables, or other safety devices that comply with 49 C.F.R. subpart F, ss. 393.71(g) (2) (1) and 393.71(h) (10) from the trailer or semitrailer to the vehicle. These safety chains, cables, or other safety devices shall be of sufficient strength to maintain connection of the trailer or semitrailer to the pulling vehicle under all conditions while the trailer or semitrailer is being towed by the vehicle. The provisions of this subsection shall not apply to trailers or semitrailers using a hitch known as a fifth wheel nor to farm equipment traveling less than 20 miles per hour." And Florida **§ 316.222, Stop lamps and turn signals** which states: "(1) every motor vehicle, trailer, semitrailer, and pole trailer shall be equipped with two or more stop lamps meeting the requirements of s. 316.234(1). Motor vehicles, trailers, semitrailers and pole trailers manufactured or assembled prior to January 1,

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1972, shall be equipped with at least one stop lamp. On a combination of vehicles, only the stop lamps on the rearmost vehicle need actually be seen from the distance specified in s. 316.234(1)." And Florida **§ 316.221, Tail lamps**, which states: "(1) Every motor vehicle, trailer, semitrailer, and pole trailer, and any other vehicle which is being drawn at the end of a combination of vehicles, shall be equipped with at least two tail lamps mounted on the rear, which, when lighted as required in s. 316.217, shall emit a red light plainly visible from a distance of 1,000 feet to the rear."

As a result of these violations, D-1 is responsible the damages to V-1, V-2 and is responsible for the death to D-2.

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CASE CLOSING STATUS

Closed: by Citation/Summons Issued: This investigation is complete and has led to the issuance of Uniform Traffic Citation's for non-criminal traffic violations to the defendant.

Corporal Dana L. Asbell

Corporal Dana L. Asbell September 30, 2011

State of Florida, County of Orange

Sworn and subscribed before me

This 30th day September, 2011

D. Asbell

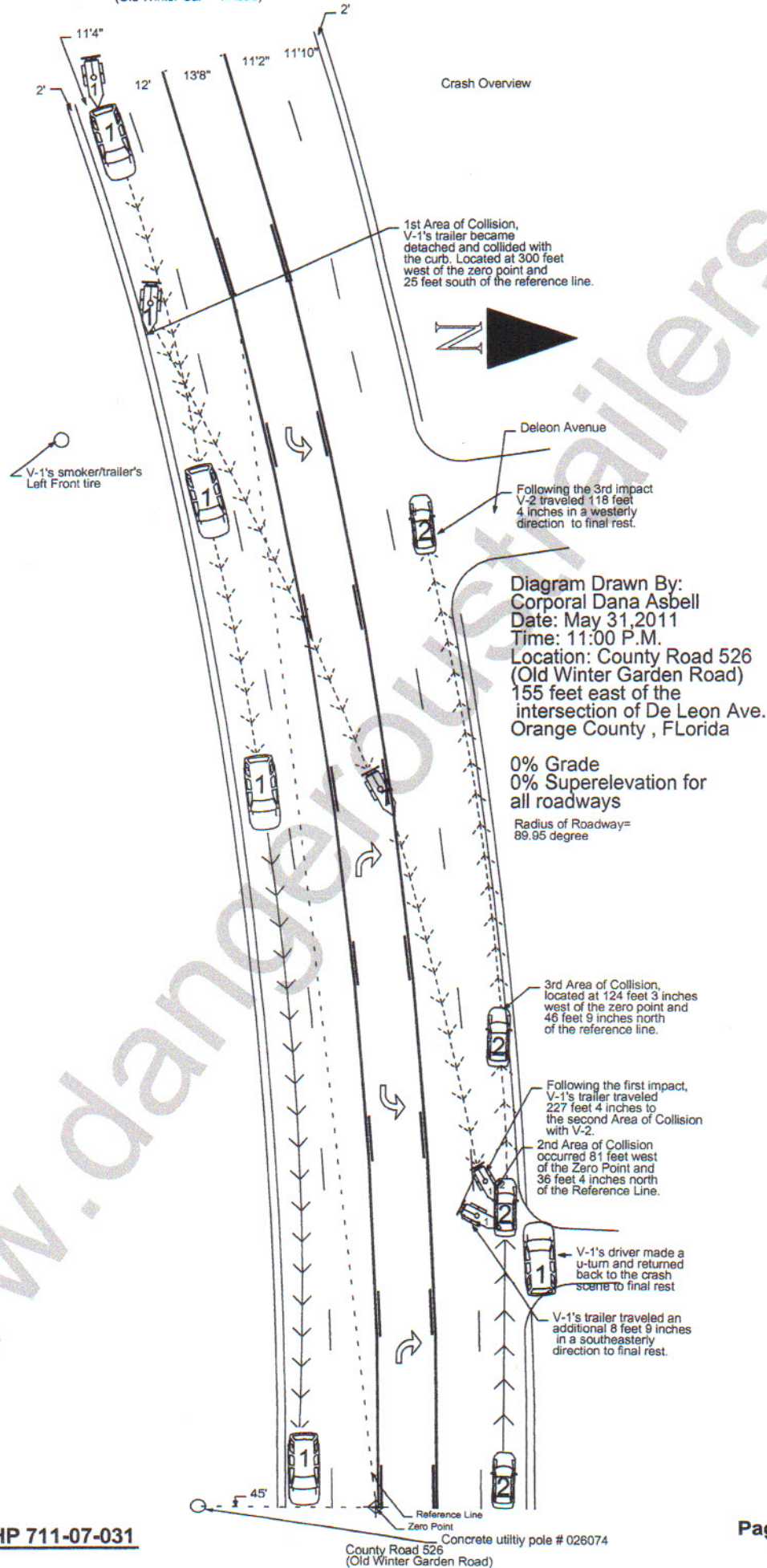
Notary Public, Florida Highway Patrol

Section 117.10, Florida Statutes

Personally Known (X)

County Road
(Old Winter Ga. Road)

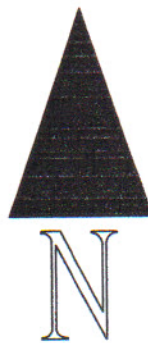
Crash Overview



County Road 526
(Old Winter Garden Road)

Crash Overview

1st Area of Collision,
V-1's trailer became
detached and collided with
the curb. Located at 300 feet
west of the zero point and
25 feet south of the reference line.



Deleon Avenue

