



LAW OFFICE OF STUART MANN

September 10, 2024

Durango Police Department
Attn : Chief of Police Brice Current
Commander Nicholas Stasi
990 E. 2nd Avenue
Durango, Colorado 81301
Email: nick.stasi@durangogov.org
pdadmin@durangoCO.gov

Re: Our Client: The Siegrist Family
Case No.: P23-32098

Chief Current and Commander Stasi:

The purpose of this letter is to provide you with the investigative report of Stodola Engineering, LLC regarding the pedestrian/motor vehicle collision resulting in the death of Katie Siegrist on September 19, 2023.

Anne Stodola, P.E., a highly recognized accident reconstructionist engineer, court certified in Colorado State Court and Colorado Federal Court, completed the investigation. A copy of her report and curriculum vitae have been attached for your review and consideration.

In accordance with the facts and the law of the State of Colorado the Durango Police Department should re-open case file # P23-32098 and charge the defendant Elizabeth Burkhardt with at least one or more of the following violations:

C.R.S. 42-4-1402 Careless Driving Resulting in Serious Bodily Injury or Death

C.R.S. 42-4-1402.5(1)(a) The Colorado Vulnerable User Act

C.R.S. 18-3-105 Criminally Negligent Homicide

As set forth in the engineering report, Ms. Burkhardt was operating a defective vehicle. The windshield was cracked in several places and the headlight illumination was far below required standards.

Regarding the cracked windshield, C.R.S. 42-4-201(4) requires that “no vehicle shall be operated unless the driver’s vision through any required glass equipment is normal and unobstructed.” Ms. Burkhardt’s windshield was pocked and cracked in several places.

Regarding the headlights, the headlights, 49 CFR 238.443 requires headlights to produce no less than 200,000 candelas of illumination. In testing, Ms. Burkhardt’s vehicle headlights only

produced 2,148 candelas of illumination. 2,148 candelas are only 10% of the illumination required by federal code. You can also see in the pictures and upon inspection of the vehicle that the passenger side headlight does not cast its beam to the right of the vehicle. The strength and width of the beam is woefully weak. It is no wonder that Ms. Burkhardt did not see Ms. Siegrist. Her headlights were unsafe and completely inadequate for night driving. The headlights appear to be the original lights on the vehicle (466,000 miles).

Of note, the headlights were not tested by the officers and there appears to be no consideration of their adequacy in the investigative report.

It also appears that the officers failed to accurately assess and failed to properly consider the reflective illumination worn by the victim. Ms. Siegrist was wearing reflective running shoes and a reflective upper garment. While the reflective upper garment of Ms. Siegrist appears to have been discarded post collision, Ms. Siegrist's reflective shoes (one of which is still in police evidence) has reflective material and would have been visible with proper headlight illumination.

Finally, the engineering report finds that "the right front fender of the Jeep struck Ms. Siegrist on or to the right of the northbound fog line which would indicate that the Jeep was on or to the north of the fog line." As a result, Ms. Burkhardt was carelessly driving on or to the north of the fog line for her lane of traffic.

In addition, Ms. Burkhardt admitted that she was traveling 30 mph at the time of the collision. And while 5 mph over the limit is not excessive, speeding is speeding. Given the driving conditions that night, wet and rainy, the defective windshield, the defective headlamps, and driving on or over the fog line, Ms. Burkhardt was guilty of careless driving.

All of the above factors undeniably constitute culpability and criminal behavior that needs to be appropriately charged. Katie Siegrist was killed as she walked her dog (which made her even more visible). The citizens of Durango deserve accountability for this crime.

C.R.S. 42-4-1402 Careless driving is defined as:

*A person who drives a motor vehicle, in a careless and imprudent manner, without due regard for the width, grade, curves, corners, traffic, and use of the streets and highways **and all other attendant circumstances, is guilty of careless driving.***

C.R.S. 42-4-1402.5(1)(a) The Colorado Vulnerable User Act

*The act makes it a class 1 traffic misdemeanor when careless driving of a motor vehicle is **the proximate cause of serious bodily injury to a vulnerable road user**, which is defined in the act.*

C.R.S. 18-3-105 Criminally Negligent Homicide is defined as:

Any person who causes the death of another person by conduct amounting to criminal negligence commits criminally negligent homicide which is a class 5 felony.

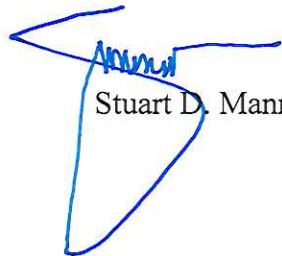
*A person acts with criminal negligence when, through a gross deviation from the standard of care that a reasonable person would exercise, **he fails to perceive a substantial and unjustifiable risk that a result will occur or that a circumstance exists.***

The defendant Burkhardt operated a defective vehicle in excess of the speed limit in wet and rainy conditions when she knew or should have known that her vehicle was unfit to be on the road. Katie Siegrist was killed as a result of the defendant's negligence. And to make matters worse, Ms. Burkhardt continues to operate her defective vehicle with impunity and to the detriment of the health and safety of the citizens of the City of Durango.

Justice and the safety of the citizens of Durango require that the defendant Burkhardt be charged with crimes commensurate with her acts and failures to act.

Your attention to this matter is appreciated.

Very truly yours,



Stuart D. Mann