

**EIGHTEENTH JUDICIAL DISTRICT AGENCY
COUNTY OF DOUGLAS**

CR#: 1C160609

**STATEMENT IN SUPPORT OF WARRANTLESS ARREST
SUSPECT:**

LAST: Munoz	FIRST: Athina	MIDDLE: Lorraine	DOB: 3-15-1988
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CHARGES:

STATUTE/ ORDINANCE & CLASS:	CHARGE DESCRIPTION:	CLASS:	INST:
18-3-106(1)(a)	Vehicular Homicide - Reckless	F4	Filing
18-3-106(1)(a)	Vehicular Homicide - Reckless	F4	Filing
18-3-106(1)(b)	Vehicular Homicide - DUI - Death	F5	Filing
18-3-106(1)(b)	Vehicular Homicide - DUI - Death	F5	Filing
18-3-204	3rd. Degree Assult	M1	Filing
42-4-1301(1)(a)	DUI Alcohol /Drugs	M	Filing
42-4-1301(2)(a)	DUI Per Se .08 or more	M	Filing

I, Trooper Sargenti # 7701

a peace officer with the State Patrol - COCSP0000

state that there exists probable cause for the warrantless arrest of the above named suspect for the charges stated above. The officer further states that the facts below are based on personal knowledge and/ or interviews with witnesses and fellow peace officers and/ or review of law enforcement reports.

1. The crime (s) alleged occurred on February 27, 2016
Date Year

at Southbound Colorado 83 milepost 41
Location

City of Franktown, County of Douglas, State of Colorado.

2. The suspect was arrested at 15:25 on 2-27-2016.
Time Date

3. The facts in support of the probable cause for the warrantless arrest of the above name suspect are as follows:

PROBABLE CAUSE

On 2-27-2016 at approximately 1349 hours I, Trooper Sargenti, was notified of a three vehicle fatal crash that occurred on southbound Colorado 83 at approximately milepost 41 (South Russellville Road). The crash occurred at approximately 1338 hours, and two parties were confirmed fatal. The driver of Vehicle 2, Brian D. Lehner DOB 12-31-57 and his passenger Jacquie L. Lehner DOB 7-7-59 died on scene. The driver of Vehicle 3, was identified as Joseph W. Bartoletti DOB 8-16-87 who had minor injuries to his hand.

As I was en route to the crash location, Corporal Honn informed me the driver of Vehicle 1 was being transported to Parker Adventist Hospital. Corporal Honn informed me that deputies on scene had observed a strong odor of alcohol, bloodshot, watery eyes and slurred speech coming from Driver 1. Corporal Honn asked me to respond to the hospital to get a statement and conduct a driving under the influence investigation.

I waited for the ambulance at the intersection of Colorado 83 and Colorado 86. I observed the ambulance pass

and followed the ambulance to the hospital. While en route to the hospital, I was informed by CSP Dispatch that the driver of Vehicle 1 was identified as Athina Lorraine Munoz DOB 03-15-1988. Upon arrival, Mrs. Munoz was taken to room 7 where physicians began treating her.

After Dr. Fortner MD was able to stabilize Mrs. Munoz, I made contact with her. Upon contact with Mrs. Munoz I asked her what happened. Mrs. Munoz stated she was driving home after visiting her best friend. She stated she looked down for two seconds at a text she had received and when she looked up she was on the wrong side of the road and hit a motorcycle. I asked her what she was doing with her friend. She stated she was hanging out. I asked her where she was hanging out. She stated she was just at her friends house. During my contact with Mrs. Munoz, I detected bloodshot, watery eyes, slurred speech and the strong odor of an alcoholic beverage coming from her breath. I asked Mrs. Munoz how much she had to drink and she admitted to consuming two glasses of wine. I asked Mrs. Munoz if she had used any drugs. Mrs. Munoz stated she smoked Marijuana at 5:00 o'clock in the morning. I asked if it was this morning and she stated it was. Throughout my conversation with Mrs. Munoz, she continually became distraught and was yelling out that she had just killed two people. I asked Mrs. Munoz why she thought she killed two people. She stated she saw the paramedics put a sheet over one person and that she saw other paramedics doing CPR to another.

I asked Mrs. Munoz if she would preform voluntary roadside maneuvers and she agreed. At 1500 hours, I began the voluntary roadside maneuvers. I had Mrs. Munoz perform only those maneuvers that she could safely perform while lying on her back, on a hospital bed. Mrs. Munoz did not perform the voluntary roadside maneuvers as a sober person. At 1525 hours, I placed Mrs. Munoz into custody for the further investigation of driving under the influence.

I read Mrs. Munoz the Colorado Express Consent Law from a small laminated card. I informed Mrs. Munoz the only test she would be afforded was a blood test since she was being treated by physicians. I also informed Mrs. Munoz the blood draw was going to be a felony blood draw. I asked Mrs. Munoz if she would submit to the three blood draws. At 1526 hours, Mrs. Munoz agreed to submit to the felony blood draws.

I contacted CSP Dispatch and asked them to notify the blood draw nurse to respond to Parker Adventist Hospital. Registered Nurse Sanders arrived on scene to administer the three blood draws. At 1600 hours, RN Sanders drew two vials of blood with blood kit # 25535, from Mrs. Munoz's left arm, for blood draw number 1. RN Sanders properly sealed the blood into the transport container. RN Sanders transferred custody of the blood kit to me for transport to the United States Post Office. At 1700 hours, RN Sanders drew two vials of blood with blood kit # 75233, from Mrs. Munoz's left arm, for blood draw number 2. RN Sanders properly sealed the blood into the transport container. RN Sanders transferred custody of the blood kit to me for transport to the United States Post Office. At 1801 hours, RN Sanders drew two vials of blood with blood kit # 516518, from Mrs. Munoz's left arm, for blood draw number 3. RN Sanders properly sealed the blood into the transport container. RN Sanders transfer custody of the blood kit to me for transport to the United States Post Office.

I asked Dr. Fortner MD if he was going to be admitting Mrs. Munoz into the hospital for further treatment. Dr. Fortner MD informed me as soon as she was fitted with a walking boot she would be released. I informed Dr. Fortner MD, I would need a medical clearance for the jail. While waiting for Mrs. Munoz's release, Trooper Donahue contacted me and informed me he found two empty alcohol bottles, a glass Marijuana Pipe and raw Marijuana in the vehicle.

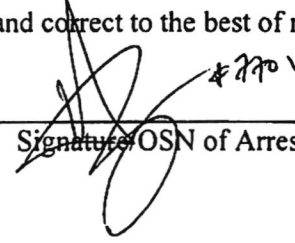
After Mrs. Munoz had been fitted with a walking boot, the nurse gave me a medical clearance. I informed Mrs. Munoz we were going to be going to Douglas County Jail where she was going to be booked in on charges. I assisted Mrs. Munoz into a wheel chair and escorted her with her nurse, out to my patrol car. I moved my patrol car so she could easily enter the rear seat. I assisted Mrs. Munoz into the rear seat of my patrol car and seat belted her in. I transported Mrs. Munoz to the Douglas County Jail where I booked her in on the above charges.

This event occurred in Douglas County in the State of Colorado. All events described above occurred without

the use of force, coercion or manipulation. All statements made by Mrs. Munoz were paraphrased, there are no direct quotes.

Executed on the 27 of February, 2016 at 21:30 (AM / PM)
Day Month Year Time

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

 # 2701

Signature OSN of Arresting Officer