

FELONY PROBABLE CAUSE AFFIDAVIT

SUSPECT: Pererya-Barraca, Victor Manuel TX DL: N/A RACE: White/Hispanic SEX: Male

DOB: [REDACTED] SS#: N/A HT: 5'09 WT: 150

EYES: Brown HAIR: Black DPS#: [REDACTED] FBI#: [REDACTED]

LOCATION OR ADDRESS: 843-2121 E. Grauwylor Rd, Irving, TX 75061

OFFENSE CHARGED: Accident Involving Personal Injury or Death SECTION: T.C. 550.021 (F3)

STATE OF TEXAS

COUNTY OF COLLIN

BEFORE ME, The undersigned authority, on this day personally appeared the affiant who after being by me duly sworn stated the following:

My name is Boston Ross. I am a certified peace officer for the Town of Fairview, Texas, assigned as a Patrol Officer. I have been a licensed peace officer for approximately 4 and a half years. I currently hold an Intermediate Peace Officer Certificate and I have also received additional training on crime scene photography, Death Investigation, along with the Sexual Assault and Family Violence Course. I am over the age of eighteen years, I am competent, I have never before been convicted of a felony; and I believe, or have good reason to believe, the following facts and sources of information, as set forth below, are true:

On or about May 30, 2018, at approximately 7:10 p.m., the Suspect, whose name, description, and current address or location are shown above, did in Collin County, Texas, commit a criminal offense against the laws of the State of Texas; that is the said Suspect did then and there commit the offense of: Accident Involving Personal Injury or Death (Transportation Code 550.021)

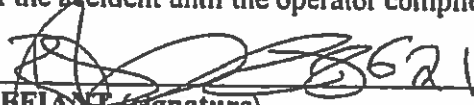
On May 30, 2018, at approximately 7:10 p.m., Officer Rachel Sanchez #8623 and Cpl. David Jones #8613 were dispatched to a major accident which occurred in or about the 4500 block of US 75 (NB).

- 1.1 Witness [REDACTED] along with other independent witnesses, advised they observed the female, identified as Ms. Espitia, currently comatose in the Intensive Care Unit (ICU) at Medical City McKinney, having suffered bodily injury that creates a substantial risk of death, or that causes death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ, exit, fall or be pushed from, the passenger side of the vehicle, to wit a black SUV, while said vehicle was traveling at highway speeds. As of the writing of this arrest affidavit, Ms. Espitia's bodily functions, including respiration and cardiac functions, are being *artificially sustained*, with organ donation pending final declaration of clinical death. If/when such declaration occurs this arrest warrant shall be updated to reflect the increase in appropriate charge level (from Third Degree Felony to Second Degree Felony)


- 1.2 The speed limit on the highway in this area is 70 miles per hour
- 1.3 Witnesses, including Ms. [REDACTED] advised they observed the vehicle from which Ms. Espitia had exited, failed to stop and the driver continued to proceed northbound on US 75, taking the Eldorado exit
- 1.4 Through brief phone conversations, Mr. Pererya advised and admitted that Ms. Espitia had indeed exited the vehicle *which he was driving*, while it was moving at highway speeds, and admitted to leaving the scene without stopping to render aid
- 1.5 According to publicly available photos on Facebook, Mr. Pererya-Barranca does own or possess a black SUV, specifically what appears to be a black Chevrolet Tahoe, fitting the description of the vehicle given by witnesses
- 1.6 Mr. Pererya-Barranca can also be seen in Facebook photo(s) wearing a shirt with the brand "American Fighter," which is affiliated with the sport of Mixed Martial Arts ("MMA"). A sport which includes martial arts combat, *sic* violence, at its core and said brand has also sponsored fighters in the MMA arena, speaking to its support of violent combat, albeit mutual, in the cases of arranged fights
- 1.7 An individual, whom visited Ms. Espitia while she was in a comatose state at the hospital, Ms. [REDACTED] advised that she believed Ms. Espitia was in an abusive relationship, and believed such a relationship existed because of her own personal experiences in such a relationship
- 1.8 Ms. [REDACTED] also advised that on prior occasions she had observed a bruise under Ms. Espitia's eye and bruises on Ms. Espitia's arms, both of which, according to my training and experience, are indicative of an abusive relationship
- 1.9 Likewise, Ms. [REDACTED] advised that while Ms. Espitia was with Mr. Pererya-Barranca, Mr. Pererya-Barranca was very controlling and possessive of Ms. Espitia, at times not allowing her to go to the restroom without an escort, also indicative of an abusive relationship
- 1.10 Similarly, Ms. [REDACTED] advised that while Ms. Espitia was with Mr. Pererya-Barranca, she was very hard to get ahold of, in direct contrast to when she was with her parents and she seemed free to communicate and socialize freely, the limiting of which is also indicative of an abusive relationship, according to my training and experience
- 1.11 Mr. Pererya-Barranca's possessive and violent nature is supported by prior actions, specifically occurring on 4/10/17 in Dallas County, according to Dallas County Court Records, wherein Mr. Pererya-Barranca did assault a male who he observed dancing with Ms. Espitia.
- 1.12 Mr. Pererya-Barranca was arrested in this incident and charged with Aggravated Assault with a Deadly Weapon, indicating both a violent nature and a possessive attitude towards Ms. Espitia (Dallas County Case #F1753779)
- 1.13 Also according to Dallas County Court Records, on 5/23/17, Mr. Pererya-Barranca entered a Judicial Confession admitting to similar circumstances, appearing to have been part of an arranged plea agreement to reduce the charge from Aggravated Assault to Assault
- 1.14 The facts and circumstances alleged to have been committed on 5/30/18 at approximately 7:30 p.m. are to be considered a "non-collision motor vehicle crash," per the State of Texas Classification of Motor Vehicle Traffic Crashes in Texas (2017 Edition p. 33 Sec. 8.2)
- 1.15 While the above listed offenses alleged pursuant to Transportation Code Chapter 550 indicate the statutory occurrence of an "accident," the *State of Texas Classification of Motor Vehicle Traffic Crashes in Texas* (2017 Edition), along with the American National Standards Institute *Manual on Classification of Motor Vehicle Traffic Crashes* (Eighth Edition-2017, p. 1), indicates both "crash" and "accident" are essentially synonymous and the former is more appropriately used (p. 10 Sec. 1.14)
- 1.16 According to the publications referenced immediately above, a "crash" includes "an identified event which causes injury, death or damage," and included a vehicle in transit, which would describe the events which occurred 5/30/17 (TX Manual p. 10 Sec. 1.14 and ANSI Manual p. 30 Sec. 2.6.3)
- 1.17 Mr. Pererya-Barranca did not make an attempt to render aid or any type of medical care to Ms. Espitia, nor did he place a call for emergency services as required
- 1.18 According to my training and experience, a reasonable person would not exit a moving motor vehicle traveling at highway speeds, unless they were suicidal, which throughout this investigation there have been no indications from family or friends of Ms. Espitia

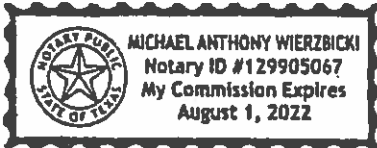
1.19 A reasonable person operating a vehicle would consider injury or death reasonably likely if an occupant is thrown, pushed or falls, from a vehicle moving at highway speeds.

Therefore, based on the aforementioned set of facts and circumstances herein described, it is alleged that on or about May 30, 2018, at approximately 7:10 p.m., Victor Manuel Pererya-Barraca (DOB 08/23/1997, and further identified herein) did commit actions in violation of Texas Transportation Code 550.021 (Accident Involving Personal Injury or Death) as he did operate a vehicle involved in an accident that results or is reasonably likely to result in injury to or death of a person, to wit, Ms. Marisol Espitia DOB 01/12/1997, and did not (1) immediately stop the vehicle at the scene of the accident or as close to the scene as possible, (2) immediately return to the scene of the accident if the vehicle is not stopped at the scene of the accident, (3) immediately determine whether a person is involved in the accident, and if a person is involved in the accident, whether that person requires aid, or (4) remain at the scene of the accident until the operator complies with the requirements of Section 550.023.


AFFIANT (signature)

SWORN AND SUBSCRIBED by the Affiant before me this date: 6 day of June, 2018.


Notary Public for the State of Texas



On this the 6 day of June 2018, I hereby acknowledge that I have examined the foregoing affidavit and have determined that probable cause exists for the issuance of an arrest for the individual accused therein.

Dan K. Wilson
MAGISTRATE
In and For Collin County, Texas