

Entry 3 Cleaver Deposition

DEPOSITION SUMMARY OF JAMNER COUNTY DEPUTY SHERIFF D.W. CLEAVER

On June 16, 20XX-2, dispatch advised me of a rollover accident in the area of Milepost 7.5 on Pioneer Road. I was advised that there was one injured subject. I arrived in the area at approximately 1228 hours and observed a Suzuki SUV laying on its side. I observed a subject laying in the shoulder approximately 70 feet south of the vehicle. I was advised by other personnel and civilians present that the subject's name was Terry O'Brien. O'Brien was being attended to and had severe head injuries. I conferred with ambulance personnel, who had arrived at the scene shortly before I did. A helicopter was on the way to evacuate the victim to Memorial Hospital. I began taking photographs of the scene and requested dispatch to send additional personnel to assist with the investigation. I secured the scene with Trooper Foster and then we proceeded to measure it. A tow truck arrived to remove the vehicle. The helicopter arrived. Within minutes, I overheard radio traffic that O'Brien had not survived.

I also checked the Pioneer Road area near the crash site for road signs. I was not able to locate an "Abrupt lane edge" sign for traffic going in either direction, nor was there a "Reduce speed" sign in either direction.

There were sufficient tire marks on the fresh asphalt to allow me to reach preliminary conclusions on the causes of the accident. As a part of my training at the State Patrol Academy, we had a basic course in accident reconstruction which lasted five days. Though I am not a certified accident reconstructionist, I have investigated more than 200 accident scenes in my ten year career on the state patrol. I am qualified to make measurements and draw basic conclusions from those measurements. For more complicated accident reconstruction cases, I defer to the specialist in our unit, who has attended several programs at Texas A & M University.

Based on the tire marks, I was able to conclude that the O'Brien vehicle was southbound on Pioneer Road when the right wheels dropped off the pavement. Though the distance varied between the edge of the road and the shoulder, it was somewhere between three and four inches.

O'Brien attempted to regain the travel portion of the roadway by steering to her left, crossing the highway with lateral tire marks, showing the vehicle's route over to the northbound lane. The vehicle rolled at least twice.

Our measurements indicated that the tires of the vehicle were off the asphalt for approximately 160 feet before they swerved hard left. The vehicle came back up onto the asphalt and was starting to rotate counterclockwise. The tire marks end for a moment where the driver was starting to turn back sharply to the right and then they go off to the east end of the asphalt and into the shoulder.

I am not trained to use accident reconstruction computer programs, but would estimate that, from the tire marks left behind, that the vehicle was going somewhere between 50 and 58 m.p.h. when it left the road.

Traffic control signs are helpful in construction zones such as this, however, in my experience as a state trooper, I have seen many circumstances where drivers disregard them. I am not convinced that abrupt lane edge or reduced speed signs would have made a difference here. The new asphalt was jet black, in stark contrast to the mottled gray gravel shoulder. The other factor that plays in my mind here is that O'Brien knew this road, as it was the only connection between O'Brien's house and town. This road construction had been going on for more than a month. Given the bright sunny conditions, there was no visibility issue here.

I did not issue any citations to O'Brien. Given that this rollover resulted in death, it just did not seem appropriate to me.