



Jesse Todd / Christopher Avery

Collier County Sheriff's Office

Sheriff Don Hunter

THE CCSO INVESTIGATION OF THE FATAL VEHICLE COLLISION RESULTING IN THE DEATH OF MR. FELIX BELTRAN HAS BEEN COMPLETED AS OF 17 OCT 2007.

THE COLLISION INVOLVING MR. BELTRAN AND D.S. JESSE TODD, A MEMBER OF THE CCSO, OCCURRED AT 0133 HRS. ON 18 FEB 2007.

LOCATION:

- U.S. 41 @ BROWARD STREET, NAPLES MANOR AREA

CONDITIONS:

- STRAIGHT ROADWAY, NO TURNS, NO OBSTRUCTIONS
PHYSICALLY / VISUALLY
- EXCELLENT VISIBILITY
- DRY ROADWAY SURFACE
- OVERHEAD LIGHTING
- VERY LIGHT TO NO TRAFFIC
- SPEED LIMIT ON THIS ROADWAY IN THIS AREA IS 55 MPH

CIRCUMSTANCE:

- AT APPROXIMATELY 01:31:07 HRS., CCSO COMM CENTER ALERTS D-3 DEPUTIES OF A CALL FOR ASSISTANCE @ THOMASSON AND U.S. 41, ORIGINAL CALL ALLEGES A ROBBERY TO A PERSON IN PROGRESS

- D.S. TODD AND AVERY ARE LOCATED 3.1 ROAD MILES AWAY FROM CALL AND JUST COMPLETING A PREVIOUS CALL AT EAGLE LAKES COMMUNITY PARK
- DEPUTIES LOCATED IN THE ZONE TO WHICH TODD / AVERY ARE ASSIGNED ROUTINELY RESPOND TO THE ADJACENT ZONE IN WHICH THIS CALL EMANATED AS BACK UP
- D.S. TODD AND AVERY IMMEDIATELY ENTER THEIR ISSUED EMERGENCY MARKED VEHICLES AND PROCEED TOWARD THE ROBBERY CALL
- AT 01:32:45 HRS. THE SHIFT SUPERVISOR RECLASSIFIES THE CALL FROM A ROBBERY IN PROGRESS TO A LOWER LEVEL INCIDENT AND ADVISES "ROUTINE RESPONSE NOW"
- 30 SECONDS LATER @ 01:33:15 HRS. D.S. AVERY ADVISES OF CRASH AND NEED FOR EMS TO RESPOND ORIGINAL CALL ALLEGES A ROBBERY TO A PERSON IN PROGRESS

- MR. BELTRAN DIES OF INJURIES SUSTAINED IN THE COLLISION.

WHAT WE KNOW:

- D.S. TODD WAS ASSIGNED TO D-3 DUTIES 3 DEC 2005 (1 YR. & 2 MONTHS BEFORE COLLISION WITH MR. BELTRAN)
- D.S. AVERY WAS ASSIGNED TO D-3 DUTIES 27 SEPT 06 (5 MONTHS BEFORE INCIDENT)
- DURING 2006 AND EARLY 2007 THERE WERE 24 ARMED AND 26 UNARMED ROBBERIES IN D-3
- IN THESE ROBBERIES, THERE WERE 14 MINOR INJURIES AND 3 SERIOUS INJURIES
- BY POLICY AND LAW, DEPUTIES ARE PERMITTED IN CRITICAL INCIDENTS WHILE RESPONDING TO EMERGENCY CALLS, "IN THE PURSUIT OF AN ACTUAL OR SUSPECTED VIOLATOR OF THE LAW," INCLUDING BUT NOT LIMITED TO A ROBBERY RESPONSE, TO RESPOND WITHOUT EMERGENCY LIGHTS AND SIRENS TO AVOID ALERTING CRIMINALS OF THEIR APPROACH

- DEPUTY SHERIFFS / DRIVERS OF EMERGENCY VEHICLES ARE PERMITTED TO EXCEED THE MAXIMUM SPEED LIMIT SO LONG AS THE DRIVER DOES NOT ENDANGER LIFE OR PROPERTY
- D.S. TODD / AVERY HAD NO REASON TO BELIEVE NOR COULD THEY HAVE KNOWN THAT MR. BELTRAN WOULD INADVERTENTLY PULL INTO THE PATH OF THEIR APPROACHING VEHICLES
- MR. BELTRAN EXHIBITED A BAC OF 0.32% AND COCAINE METABOLITES OF .61MG/L ... A VERY HIGH CONCENTRATION OF ETHYL ALCOHOL ... 0.35% BAC IS A POTENTIALLY FATAL DOSE OF ALCOHOL FOR A HUMAN
- MR. BELTRAN DROVE HIS VEHICLE INTO THE PATH OF TWO APPROACHING CCSO EMERGENCY VEHICLES AND WAS STRUCK BY THE LEAD VEHICLE OPERATED BY D.S. TODD

- MR. BELTRAN WAS FOUND BY FHP TO HAVE VIOLATED THE RIGHT OF WAY OF OUR APPROACHING VEHICLES; DEPUTIES HAD RIGHT OF WAY, MR. BELTRAN HAD TO GIVE WAY FOR THEM TO PASS
- AT THE POINT OF COLLISION, THE DISTANCE TO THE ALLEGED ROBBERY IS ONLY 2.3 MILES; OVERHEAD EMERGENCY LIGHTS WOULD HAVE BEEN CLEARLY VISIBLE AT THIS DISTANCE

WE BELIEVE THAT SIRENS WOULD HAVE BEEN AUDIBLE OUT TO THE DESTINATION AT THOMASSON HAD THEY BEEN USED.

INVESTIGATIVE FINDINGS:

- D.S. TODD / AVERY VIOLATED CCSO POLICY IN FAILING TO NOTIFY COMM / SUPERVISOR THAT THEY WERE RESPONDING TO THE ROBBERY, THUS DENYING CCSO THE OPTION OF DECLARING THEIR STATUS IN THE RESPONSE AND CONTROLLING THEIR RESPONSE
- THEY BOTH HAVE RECEIVED NOTICE OF DISCIPLINE OF A LETTER OF REPRIMAND, 12 MONTHS PROBATION AND REMEDIAL DEFENSIVE DRIVING VEHICLE OPERATION TO REFINE THEIR FOCUS DURING HIGH SPEED RESPONSE
- THE LETTER OF REPRIMAND IS A PERMANENT RECORD IN THEIR PERSONNEL FILES
- THE 12 MONTH PROBATIONARY STATUS DENIES THEM AN OPPORTUNITY TO PROMOTE TO ANY ADVANCEMENT OR TO TRANSFER TO OTHER RESPONSIBILITIES FOR THE DURATION OF PROBATIONARY STATUS; THIS IS A LOSS OF POTENTIAL FOR HIGHER RANK AND PAY FOR THIS PERIOD

TESTIMONY AND EVIDENCE:

- D.S. TODD TESTIFIED UNDER OATH TO SPEED OF 75 TO 80 MPH
- D.S. AVERY BELIEVES, UNDER OATH, THAT THE SPEED WAS 70 TO 75 MPH
- AN EXPERT IN COLLISION RECONSTRUCTION RETAINED BY CCSO INSURANCE CARRIER ESTIMATES THE SPEED OF TODD'S VEHICLE TO BE 70 TO 75 MPH AT TIME OF COLLISION
- CCSO TRAFFIC HOMICIDE INVESTIGATORS HEBEBRAND AND NEIDERHISER ESTIMATE THE SPEED OF TODD'S VEHICLE TO BE 75 TO 80 MPH
- FHP TRAFFIC HOMICIDE INVESTIGATOR BROWN ESTIMATES TODD'S VEHICLE SPEED TO BE 98 MPH
- FIVE ESTIMATES PUT THE SPEED AT 70 TO 80 MPH AND ONE ESTIMATE CONCLUDES A SPEED OF 98 MPH
- WE BELIEVE THAT DIFFERENCE IN SPEED ESTIMATION BY FHP IS THE RESULT OF THE USE OF A DIFFERENT ANGLE OF IMPACT

Blood Alcohol Effects at different levels

Unless a person has developed a high tolerance, a BAC rating of 0.20 represents very serious intoxication (most first-time drinkers would be unconscious by about 0.15), and 0.35 represents potentially fatal alcohol poisoning. 0.40 is the accepted [LD50](#), or lethal dose for 50% of adult humans. For a long-time, heavy drinker, those numbers can at least double. In extreme cases, individuals have survived BAC ratings as high as [0.914](#).

Progressive Effects of Alcohol ^[1]		
BAC	Behavior	Impairment
A.01–.06	<ul style="list-style-type: none"> •Relaxation •Sense of Well-being •Loss of Inhibition •Lowered Alertness •Joyous 	Thought <ul style="list-style-type: none"> •Judgment •Coordination •Concentration
.06–.10	<ul style="list-style-type: none"> •Blunted Feelings •Disinhibition •Extroversion •Impaired Sexual Pleasure 	<ul style="list-style-type: none"> •Reflexes Impaired •Reasoning •Depth Perception •Distance Acuity •Peripheral Vision •Glare Recovery
.11–.20	<ul style="list-style-type: none"> •Over-Expression •Emotional Swings •Angry or Sad •Boisterous 	<ul style="list-style-type: none"> •Reaction Time •Gross Motor Control •Staggering •Slurred Speech
.21–.29	<ul style="list-style-type: none"> •Stupor •Lose Understanding •Impaired Sensations 	<ul style="list-style-type: none"> •Severe Motor Impairment •Loss of Consciousness •Memory Blackout
.30–.39	<ul style="list-style-type: none"> •Severe Depression •Unconsciousness •Death Possible 	Bladder Function <ul style="list-style-type: none"> •Breathing •Heart Rate
>.40	<ul style="list-style-type: none"> •Unconsciousness •Death 	<ul style="list-style-type: none"> •Breathing •Heart Rate

316.193 – “A person is guilty of the offense of DUI and is subject to punishment ...if the person is driving... and...the person has a blood-alcohol level of .08 or more...”

Florida Statute

Beltran Blood
Ethanol
.32%

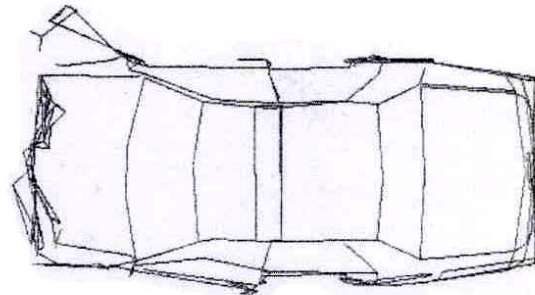
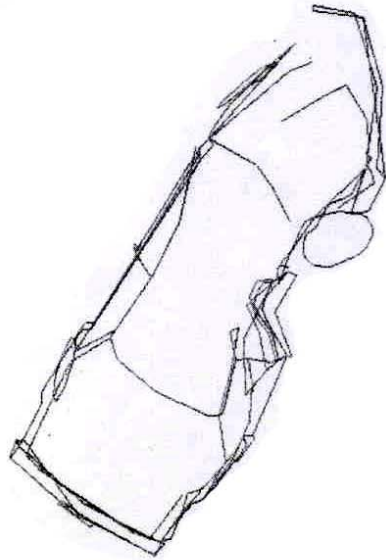
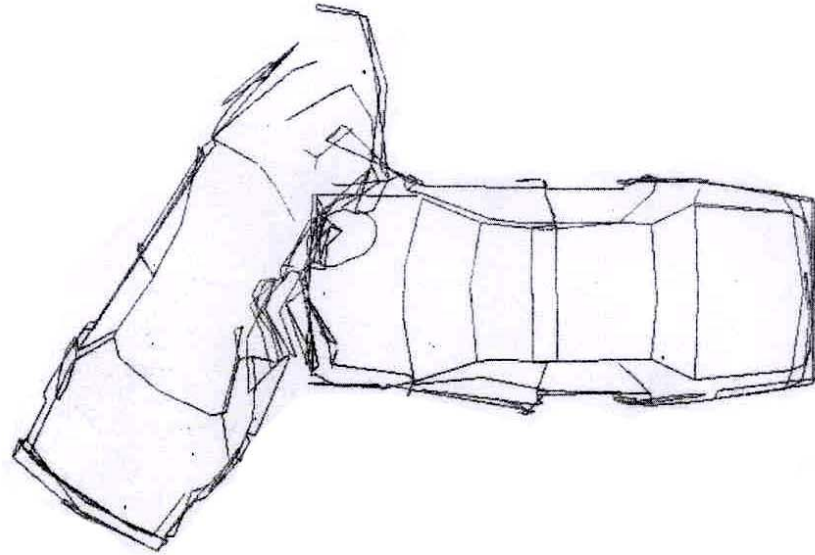
Source: Virginia Tech

BLOOD ALCOHOL LEVEL GIVEN # OF DRINKS* & TIME. FOR , A MALE WHO WEIGHS ABOUT 180 POUNDS

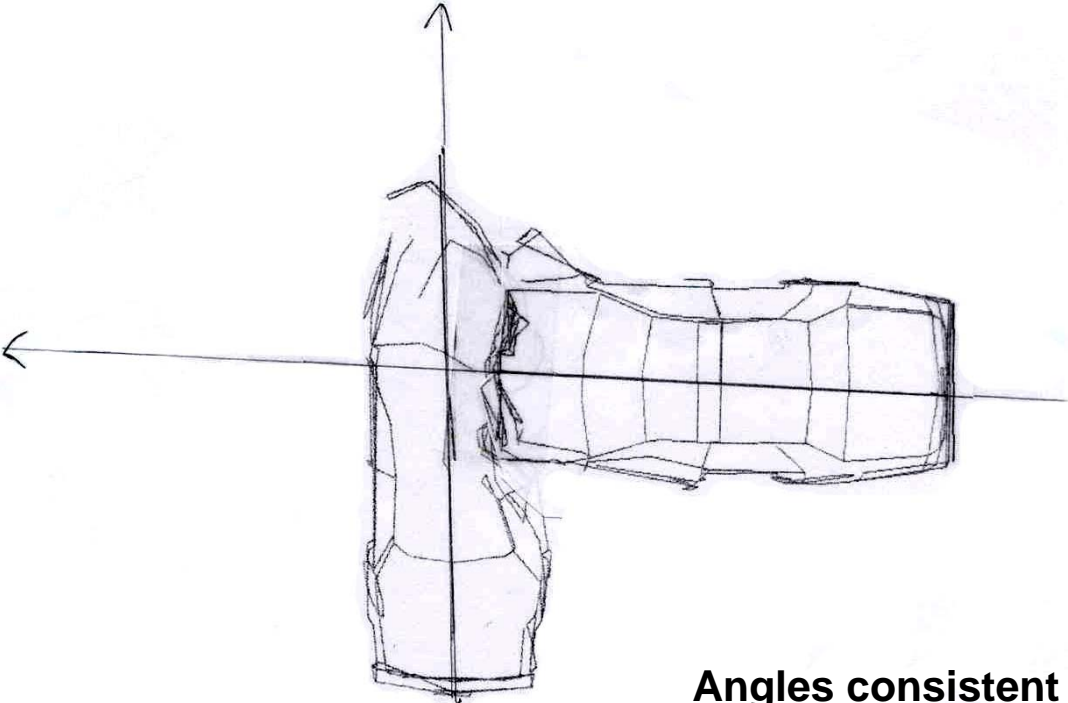
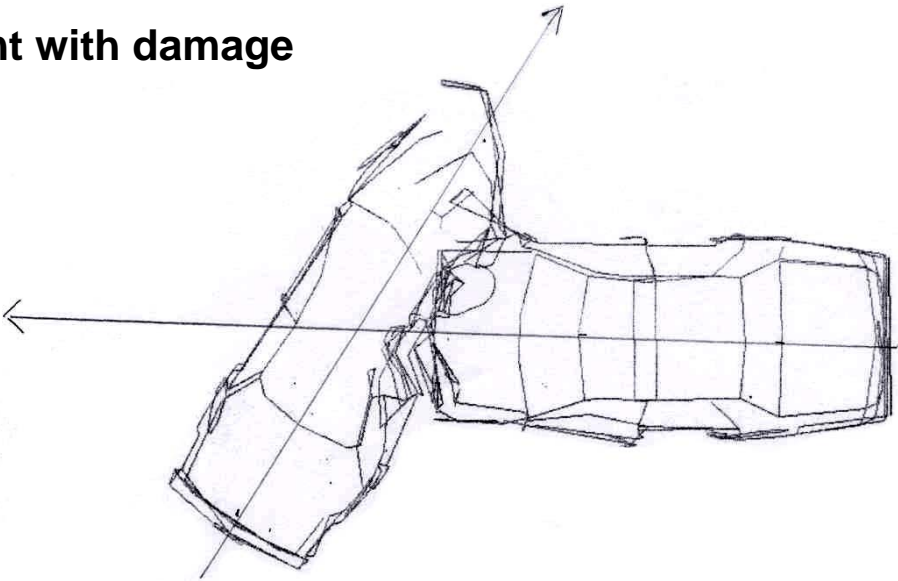
		HOURS											
		0	1	2	3	4	5	6	7	8	9	10	
D R I N K S	1	0.021	0.005	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	
	2	0.042	0.026	0.010	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	
	3	0.063	0.047	0.031	0.015	0.000	0.000	0.000	0.000	0.000	0.000	0.000	
	4	0.083	0.067	0.051	0.035	0.019	0.003	0.000	0.000	0.000	0.000	0.000	
	5	0.104	0.088	0.072	0.056	0.040	0.024	0.008	0.000	0.000	0.000	0.000	
	6	0.125	0.109	0.093	0.077	0.061	0.045	0.029	0.013	0.000	0.000	0.000	
	7	0.146	0.130	0.114	0.098	0.082	0.066	0.050	0.034	0.018	0.002	0.000	
	8	0.167	0.151	0.135	0.119	0.103	0.087	0.071	0.055	0.039	0.023	0.007	
	9	0.188	0.172	0.156	0.140	0.124	0.108	0.092	0.076	0.060	0.044	0.028	*A
	10	0.208	0.192	0.176	0.160	0.144	0.128	0.112	0.096	0.080	0.064	0.048	"DRINK"
	11	0.229	0.213	0.197	0.181	0.165	0.149	0.133	0.117	0.101	0.085	0.069	EQUALS
	12	0.250	0.234	0.218	0.202	0.186	0.170	0.154	0.138	0.122	0.106	0.090	1/2
	13	0.271	0.255	0.239	0.223	0.207	0.191	0.175	0.159	0.143	0.127	0.111	OUNCE
	14	0.292	0.276	0.260	0.244	0.228	0.212	0.196	0.180	0.164	0.148	0.132	ETHYL
	15	0.313	0.297	0.281	0.265	0.249	0.233	0.217	0.201	0.185	0.169	0.153	ALCOHOL
	16	0.333	0.317	0.301	0.285	0.269	0.253	0.237	0.221	0.205	0.189	0.173	
	17	0.354	0.338	0.322	0.306	0.290	0.274	0.258	0.242	0.226	0.210	0.194	
	18	0.375	0.359	0.343	0.327	0.311	0.295	0.279	0.263	0.247	0.231	0.215	
	19	0.396	0.380	0.364	0.348	0.332	0.316	0.300	0.284	0.268	0.252	0.236	
	20	0.417	0.401	0.385	0.369	0.353	0.337	0.321	0.305	0.289	0.273	0.257	

THIS CHART IS FOR YOUR INFORMATION AND NOT INTENDED TO CONVEY THAT ANY DRINKING IS SAFE.
 DRINKING ALCOHOLIC BEVERAGES IS UNLAWFUL FOR THOSE UNDER 21 YEARS OF AGE.
 THESE LEVELS ARE ESTIMATES, AND SHOULD NOT BE USED TO DETERMINE IF YOU ARE BELOW THE LEGAL LIMIT FOR
 DRIVING. WE RECOMMEND NOT DRIVING AFTER ANY DRINKING AT ALL.

FHP placement



Angles not consistent with damage



Angles consistent with damage



