



CRIMINAL COMPLAINT

FILED IN
APR 10 2017
SANTA FE COUNTY
MAGISTRATE COURT

NO. 17-005519

STATE OF NEW MEXICO

SANTA FE

COUNTY

SANAT FE

CITY

IN THE MAGISTRATE

COURT

-- VS --

Arrest Date: 04/09/2017

Name FRIEDLEIN DOMINIC
Address: [REDACTED]
City/Zip SANAT FE NM 87505

Citation #: 1269488 1

Arrest #: 17-005519

Docket #: M-49-FR-2017-00410

Date Filed: 04/10/2017

CRIME: HOMICIDE BY VEHICLE

(Common name of Offense or Offenses)

The undersigned, under penalty of perjury, complains and says that on or about 04/09/2017, in the County/City of SANTA FE / SANTA FE, State of New Mexico, the above named Defendant(s) did:

Contrary to Section 66-8-101A NMSA 1978.

Offense, Desc: HOMICIDE BY VEHICLES

Contrary to Section 66-8-101B NMSA 1978.

Offense, Desc: GREAT BODILY HARM W/VEHICLE

Contrary to Section 66-8-101B NMSA 1978.

Offense, Desc: GREAT BODILY HARM W/VEHICLE

CRIMINAL COMPLAINT

CRIME: HOMICIDE BY VEHICLE, GREAT BODILY INJURY BY VEHICLE AND GREAT BODILY INJURY BY VEHICLE.

THE UNDERSIGNED, UNDER PENALTY OF PERJURY, COMPLAINS AND SAYS THAT ON OR ABOUT THE 09TH DAY OF APRIL, 2017, IN THE CITY OF SANTA FE, SANTA FE COUNTY, STATE OF NEW MEXICO, THE ABOVE NAMED DEFENDANT(S) DID:

COUNT I

HOMICIDE BY VEHICLE,

IN THAT ON OR ABOUT THE 09TH DAY OF APRIL, 2017, IN THE CITY OF SANTA FE, SANTA FE COUNTY, NEW MEXICO, THE ABOVE NAMED DEFENDANT DID CAUSE GREAT BODILY INJURY TO MR. STEFAN SIEGMANN, WHILE IN THE UNLAWFUL OPERATION OF A MOTOR VEHICLE, TO WIT: SILVER, 1999, TOYOTA 4-RUNNER, BEARING OREGON REGISTRATION [REDACTED], WHILE VIOLATING, NMSA 1978, SECTION 66-8-102, 66 8 113, CONTRARY TO NMSA 1978, SECTIONS 66 8 101A

COUNT II

GREAT BODILY INJURY BY VEHICLE,

IN THAT ON OR ABOUT THE 09TH DAY OF APRIL, 2017, IN THE CITY OF SANTA FE, SANTA FE COUNTY, NEW MEXICO, THE ABOVE NAMED DEFENDANT DID CAUSE GREAT BODILY INJURY TO MS. PAMELA REYES, WHILE IN THE UNLAWFUL OPERATION OF A MOTOR VEHICLE, TO WIT: SILVER, 1999, TOYOTA 4-RUNNER, BEARING OREGON REGISTRATION [REDACTED], WHILE VIOLATING, NMSA 1978, SECTION 66-8-102, 66 8 113, CONTRARY TO NMSA 1978, SECTIONS 66 8 101B

COUNT III

GREAT BODILY INJURY BY VEHICLE,

IN THAT ON OR ABOUT THE 09TH DAY OF APRIL, 2017, IN THE CITY OF SANTA FE, SANTA FE COUNTY, NEW MEXICO, THE ABOVE NAMED DEFENDANT DID CAUSE GREAT BODILY INJURY TO 7 YEAR OLD JOSE CHAVEZ, WHILE IN THE UNLAWFUL OPERATION OF A MOTOR VEHICLE, TO WIT: SILVER, 1999, TOYOTA 4-RUNNER, BEARING OREGON REGISTRATION [REDACTED], WHILE VIOLATING, NMSA 1978, SECTION 66-8-102, 66 8 113, CONTRARY TO NMSA 1978, SECTIONS 66 8 101B

STATEMENT OF PROBABLE CAUSE

THE ABOVE DEFENDANT HAS BEEN ARRESTED WITHOUT A WARRANT FOR THE FOLLOWING REASONS:

ON SUNDAY, APRIL 09, 2017, AT APPROXIMATELY 8:40 P.M., I, OFFICER HEINZ A. DE LUCA, WAS ON DUTY IN FULL UNIFORM, DISPLAYING MY BADGE OF OFFICE #325 AND OPERATING A FULLY MARKED SANTA FE POLICE DEPARTMENT UNIT, IN THE CITY OF SANTA FE, SANTA FE COUNTY, NEW MEXICO.

THE REGIONAL EMERGENCY COMMUNICATIONS CENTER (RECC) DISPATCHED ME TO THE INTERSECTION OF SAINT FRANCIS DRIVE AND SAN MATEO ROAD, SANTA FE, NEW MEXICO CONCERNING A TRAFFIC CRASH RESULTING IN A FATALITY.

UPON ARRIVING AT THE SCENE, I OBSERVED A SILVER, 1999, TOYOTA 4-RUNNER, BEARING OREGON REGISTRATION [REDACTED] WHICH WAS OVERTURNED ON THE SOUTHBOUND SIDE OF SAINT FRANCIS DRIVE AT THE SOUTHWEST CORNER OF THE INTERSECTION NEXT TO A UTILITY POLE.

ADDITIONALLY, I OBSERVED A SILVER, 2009, CHEVROLET COBALT, BEARING NEW MEXICO REGISTRATION 334RWA, WHICH WAS FACING WESTBOUND ON THE EASTBOUND LANES OF SAN MATEO ROAD ON THE CROSSWALK SECTION OF THE INTERSECTION.

I LEARNED FROM SERGEANT AARON ORTIZ OF THE SANTA FE POLICE DEPARTMENT THAT A MALE PASSENGER IN THE SILVER, 1999, TOYOTA, LATER IDENTIFIED AS MR. STEFAN SIEGMANN WHO WAS SEATED IN THE RIGHT FRONT PASSENGER SEAT, HAD DIED AS A RESULT OF MASSIVE HEAD TRAUMA SUFFERED DURING THE COLLISION.

SGT. ORTIZ ADDED THAT MR. DOMINIC L. FRIEDLEIN HAD ADMITTED DRIVING THE SILVER, 1999, TOYOTA AND ANOTHER PASSENGER IN THE SAME VEHICLE, MS. HANNA L. YOUNG HAD IDENTIFIED MR. FRIEDLEIN AS THE DRIVER AS WELL. ACCORDING TO SGT. ORTIZ HE HAD MET WITH MR. FRIEDLEIN AND MS. YOUNG WHILE THEY WERE BEING SEEN BY MEDICAL PERSONNEL IN AN AMBULANCE OF THE SANTA FE FIRE DEPARTMENT AND THAT HE HAD DETECTED A STRONG ODOR OF ALCOHOLIC BEVERAGES COMING FROM BOTH INDIVIDUALS.

I MET WITH OFFICER CHRISTOPHER ABBO OF THE SANTA FE POLICE DEPARTMENT WHO STATED THAT HE HAD ALSO MET WITH MR. FRIEDLEIN WHILE HE WAS IN THE AMBULANCE AND ASKED HIM PERSONAL IDENTIFICATION INFORMATION. AFTER THE PRELIMINARY MEDICAL EVALUATION WAS COMPLETED, OFFICER ABBO ESCORTED MR. FRIEDLEIN TO HIS PATROL UNIT. ACCORDING TO OFFICER ABBO, WHILE WALKING ABREAST TO MR. FRIEDLEIN TO HIS PATROL UNIT, HE NOTED THAT MR. FRIEDLEIN STAGGERED TO ONE SIDE WHILE WALKING, TO THE POINT THAT OFFICER ABBO FELT AS IF MR. FRIEDLEIN WAS PUSHING HIM TOWARD THE SIDEWALK.

I MET WITH MR. FRIEDLEIN IN FRONT OF MY PATROL UNIT AND IMMEDIATELY INFORMED HIM VERBALLY OF HIS CONSTITUTIONAL RIGHTS (MIRANDA WARNING). MR. FRIEDLEIN VERBALLY ACKNOWLEDGED UNDERSTANDING HIS RIGHTS AND VOLUNTARILY AND INTELLIGENTLY WAIVED THEM VERBALLY BY AGREEING TO ANSWER MY QUESTIONS ABOUT THE INCIDENT.

MR. FRIEDLEIN STATED THAT HE WAS DRIVING THE SILVER, 1999, TOYOTA ON THE NORTHBOUND SIDE OF SAINT FRANCIS DRIVE AND APPROACHED THE INTERSECTION WITH SAN MATEO ROAD, TO MAKE A LEFT TURN ONTO WESTBOUND SAN MATEO ROAD. ACCORDING TO MR. FRIEDLEIN, BEFORE ENTERING THE INTERSECTION, HE OBSERVED A SILVER, 2009, CHEVROLET APPROACHING THE INTERSECTION ON THE SOUTHBOUND SIDE OF SAINT FRANCIS DRIVE.

MR. FRIEDLEIN ADDED THAT HE THOUGHT HE HAD ENOUGH TIME AND INITIATED A LEFT TURN. UPON ENTERING THE INTERSECTION ON A GREEN LIGHT IT APPEARED TO HIM AS IF THE APPROACHING VEHICLE WAS NOT GOING FAST THEN IT SPED UP AND STRUCK HIS VEHICLE ON THE RIGHT FRONT SIDE.

WHILE SPEAKING WITH MR. FRIEDLEIN, I NOTED THAT HIS EYES WERE BLOODSHOT AND I DETECTED A STRONG ODOR OF ALCOHOLIC BEVERAGES COMING FROM HIS BREATH. I ASKED MR. FRIEDLEIN HOW MUCH HE DRANK THAT NIGHT AND MR. FRIEDLEIN ADMITTED DRINKING THREE ALCOHOLIC BEVERAGES AT AN ESTABLISHMENT KNOWN AS "THE 2ND STREET BREWERY".

I INITIATED A DWI INVESTIGATION AND ADMINISTERED FIELD SOBRIETY TESTS:

- HORIZONTAL GAZE NYSTAGMUS: DETECTED 6 VALIDATED CLUES.
- NINE STEP WALK AND TURN: DID NOT DETECT VALIDATED CLUES.
- ONE LEG STAND: DETECTED 2 VALIDATED CLUE

BASED ON THE TOTALITY OF THE CIRCUMSTANCES, WHICH WERE:

- THE DRIVING PATTERN OF MR. FRIEDLEIN (CRASHING WITH ANOTHER VEHICLE AND AS A RESULT CAUSING THE DEATH OF ONE OF HIS PASSENGERS)
- HIS PHYSICAL CHARACTERISTICS (STRONG ODOR ALCOHOLIC BEVERAGES, BLOODSHOT EYES),
- HIS ADMISSION OF HAVING CONSUMED ALCOHOLIC BEVERAGES PRIOR TO OPERATING THE VEHICLE
- THE OBSERVED CLUES DURING THE PERFORMANCE OF THE FIELD SOBRIETY TESTS

I HAD REASON TO BELIEVE THAT, MR. FRIEDLEIN WAS IMPAIRED (LESS ABLE MENTALLY, PHYSICALLY OR BOTH), AT LEAST, TO THE SLIGHTEST DEGREE AND NOT ABLE TO SAFELY OPERATE A MOTOR VEHICLE.

ON SUNDAY, APRIL 09, 2017, AT APPROXIMATELY 9:34 P.M., I PLACED MR. FRIEDLEIN UNDER ARREST FOR CAUSING THE DEATH OF A HUMAN BEING WHILE UNLAWFULLY OPERATING A MOTOR VEHICLE. I READ THE NEW MEXICO IMPLIED CONSENT ACT ADVISORY FOR A BLOOD TEST TO MR. FRIEDLEIN AND HE AGREED TO BE TESTED.

I LEARNED FROM OFFICER JAMES PLUMMER OF THE SANTA FE POLICE DEPARTMENT WHO STATED THAT THE OCCUPANTS IN THE SILVER, 2009, CHEVROLET, HAD SUFFERED THE FOLLOWING INJURIES:

- MS. PAMELA REYES, THE DRIVER, HAD SUFFERED TWO BROKEN WRISTS AND THREE BROKEN RIBS ON THE RIGHTS SIDE OF HER ABDOMEN.
- MS. REYES' PASSENGER, HER 7 YEAR OLD SON JOSE CHAVEZ SUFFERED A FRACTURED ORBITAL RIM (EYE SOCKET) WITH ADDITIONAL INTERNAL BLEEDING OF THE NOSE.

ON APRIL 09, 2017, AT APPROXIMATELY 9:55 P.M., I ADMINISTERED A BLOOD TEST TO MR. FRIEDLEIN BY TRANSPORTING HIM TO THE CHRISTUS SAINT VINCENT'S REGIONAL MEDICAL CENTER, WHERE I OBSERVED AS MS. HELENA FRANK, A LABORATORY ASSISTANT, DREW APPROXIMATELY 25 CC OF BLOOD EVIDENCE FROM MR. FRIEDLEIN'S RIGHT ARM.

ADDITIONALLY, IN ORDER TO BALANCE THE INTERESTS OF MR. FRIEDLEIN WITH THOSE OF THE STATE, I CONTACTED JUDGE DAVIS SEGURA OF THE SANTA FE COUNTY MAGISTRATE COURT AND PRESENTED TO HIM, VIA E-MAIL, A SEARCH WARRANT AFFIDAVIT, FOR A SEARCH WARRANT TO DRAW 25 MILLILITERS OF BLOOD EVIDENCE FROM MR. FRIEDLEIN, AS MATERIAL EVIDENCE IN THE CRIMINAL PROSECUTION OF MR. FRIEDLEIN'S CASE. AT APPROXIMATELY 12:33 A.M., ON APRIL 10, 2017, JUDGE SEGURA SIGNED THE AFOREMENTIONED SEARCH WARRANT.

ON APRIL 10, 2017, AT APPROXIMATELY 01:10 A.M., I ADMINISTERED A BLOOD TEST TO MR. FRIEDLEIN BY TRANSPORTING

HIM TO THE CHRISTUS SAINT VINCENT'S REGIONAL MEDICAL CENTER, WHERE I OBSERVED AS MS. HELENA FRANK, A LABORATORY ASSISTANT, DREW APPROXIMATELY 25 CC OF BLOOD EVIDENCE FROM MR. FRIEDLEIN'S RIGHT ARM.

BASED ON THE ABOVE, OFFICER HEINZ DE LUCA BELIEVES THERE IS PROBABLE CAUSE THAT MR. DOMINIC L. FRIEDLEIN DID COMMIT THE CRIMES OF:

- HOMICIDE BY VEHICLE
 - GREAT BODILY INJURY BY VEHICLE
 - GREAT BODILY INJURY BY VEHICLE,
- CONTRARY TO NMSA 1978, SECTIONS 66-8-101A, 66-8-101B AND 66-8-101B.

THIS COMPLAINT IS SUBMITTED FOR THE LIMITED PURPOSE OF DEMONSTRATING PROBABLE CAUSE, AND OFFICER HEINZ DE LUCA HAS NOT SET FORTH EVERY FACT LEARNED IN THIS CASE.

ARRESTING OFFICER: HEINZ A. DE LUCA, SFPD

I SWEAR OR AFFIRM UNDER PENALTY OF PERJURY THAT THE FACTS SET FORTH ABOVE ARE TRUE TO THE BEST OF MY INFORMATION AND BELIEF. I UNDERSTAND THAT IT IS A CRIMINAL OFFENSE, SUBJECT TO THE PENALTY OF IMPRISONMENT TO MAKE FALSE STATEMENT IN A CRIMINAL COMPLAINT.

Complainant _____ 

Title(if any) 6568

Agency(if any) SANTA FE POLICE DEPARTMENT

This complaint may not be filed without the prior payment of a filing fee, unless approved by the District Attorney or a law enforcement officer authorized to serve an Arrest or Search Warrant. Approval of the district attorney or a law enforcement officer is not otherwise required.

Approved _____

DISTRICT ATTORNEY OR LAW ENFORCEMENT OFFICER

[As amended, approved by the Supreme Court of New Mexico, effective September 1, 1990; April 1, 1991; November 1, 1991.]

PROBABLE CAUSE DETERMINATION

(For use only if the defendant has been arrested without a warrant and has not been released)

Finding of Probable Cause

I find that there is awritten showing of probable cause to believe that a crime has been committed and that the above named defendant committed it.

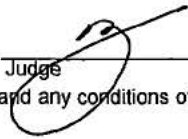
It is ordered that the defendant shall be released:

- on personal recognizance.
- on the conditions of release set forth in the release order.

Failure to Make Showing of Probable Cause

I find that probable cause has not been shown that a crime has been committed and that the above named defendant committed it . It is therefore ordered that the complaint against the defendant be and the same is hereby dismissed without prejudice and the defendant be immediately discharged from custody.

Date 4/10/17 10:50

Judge 

Unless the defendant has been released on personal recognizance, the amount of bail set and any conditions of release prescribed by a designee must also be reviewed.

[Approved by the Supreme Court of New Mexico, effective September 1, 1990.]