



CRIMINAL COMPLAINT

STATE OF NEW MEXICO

NO. 17-005903

SANTA FE COUNTY
SANTA FE CITY
IN THE MAGISTRATE COURT

-- VS --

Name WEAVER KASEY
City/Zip ALBUQUERQUE NM 87114

STN #: 04
Arrest Date: 04/16/2017
Citation #: 1269490 7
Arrest #: 17-005903
Date Filed: 04/16/2017

FILED IN
APR 17 2017
SANTA FE COUNTY
MAGISTRATE COURT

CRIME: GBH BY VEHICLE

(Common name of Offense or Offenses)

The undersigned, under penalty of perjury, complains and says that on or about 04/16/2017, In the County/City of SANTA FE / SANTA FE, State of New Mexico, the above named Defendant(s) did:

Contrary to Section 66-8-101B NMSA 1978.
Offense, Desc: GREAT BODILY HARM W/VEHICLE

Contrary to Section 66-8-114 NMSA 1978.
Offense, Desc: CARELESS DRIVING

CRIMINAL COMPLAINT

CRIME: GREAT BODILY INJURY BY VEHICLE AND CARELESS DRIVING (CARELESS, INATTENTIVE OR IMPRUDENT).

THE UNDERSIGNED, UNDER PENALTY OF PERJURY, COMPLAINS AND SAYS THAT ON OR ABOUT THE 16TH 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

GREAT BODILY INJURY BY VEHICLE, IN THAT ON OR ABOUT THE 16TH 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. KIT DUANE FRANCIS II, WHILE IN THE UNLAWFUL OPERATION OF A MOTOR VEHICLE, TO WIT: BLUE, 2002, SATURN, BEARING NEW MEXICO REGISTRATION NMB077, WHILE VIOLATING, NMSA 1978, SECTION 66-8-102, 66 8 113, CONTRARY TO NMSA 1978, SECTIONS 66 8 101B

COUNT II

CARELESS DRIVING (CARELESS, INATTENTIVE OR IMPRUDENT) IN THAT ON OR ABOUT THE 16TH DAY OF APRIL, 2017, IN THE CITY OF SANTA FE, SANTA FE COUNTY, NEW MEXICO, THE ABOVE NAMED DEFENDANT DID OPERATE A VEHICLE, TO WIT: BLUE, 2002, SATURN, BEARING NEW MEXICO REGISTRATION NMB077, ON A HIGHWAY IN A CARELESS, INATTENTIVE OR IMPRUDENT MANNER, WITHOUT DUE REGARD FOR THE WIDTH, GRADE, CURVES, CORNERS, TRAFFIC, WEATHER, ROAD CONDITIONS OR OTHER ATTENDANT CIRCUMSTANCES, CONTRARY TO NMSA 1978, 66 08 114(B).

STATEMENT OF PROBABLE CAUSE

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

ON SUNDAY, APRIL 16, 2017, AT APPROXIMATELY 8:30 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 CERRILLOS ROAD AND INTERSTATE HIGHWAY 25, SANTA FE, NEW MEXICO CONCERNING A TRAFFIC CRASH WITH INJURIES WHICH HAD ORIGINALLY BEEN REPORTED AT APPROXIMATELY 8:25 P.M.

NOTE: THE EXACT LOCATION OF THE INCIDENT WAS AT THE INTERSECTION OF THE SOUTHBOUND LANES OF CERRILLOS ROAD WITH THE NORTHBOUND LANES OF CERRILLOS ROAD; IN AN AREA WHERE THE ROAD BRANCHES INTO VARIOUS RAMPS TO ACCESS INTSTATE HIGHWAY 25 IN BOTH DIRECTIONS (NORTHBOUND AND SOUTHBOUND)

AT APPROXIMATELY 8:34 P.M., I ARRIVED AT THE SCENE AND OBSERVED A BLUE, 2002, SATURN, BEARING NEW MEXICO REGISTRATION NMB077 WHICH WAS IN THE MIDDLE OF THE AFOREMENTIONED INTERSECTION FACING NORTHBOUND WITH EXTENSIVE DAMAGE TO THE FRONT OF THE VEHICLE. ADDITIONALLY, I OBSERVED A WHITE, 2009, TOYOTA COROLLA, BEARING NEW MEXICO REGISTRATION 059PPA, WHICH WAS OFF ROAD TO THE SOUTH OF THE INTERSECTION FACING SOUTHBOUND.

FURTHERMORE, I OBSERVED SKID MARKS LEADING FROM THE ENTRANCE TO THE INTERSECTION ON THE SOUTHBOUND SIDE TO THE LOCATION WHERE THE BLUE, 2002, SATURN CAME TO A FINAL STOP.

THERE WERE SEVERAL AMBULANCES AND FIRE DEPARTMENT VEHICLES AT THE SCENE, AS WELL AS POLICE PATROL UNITS PROVIDING TRAFFIC CONTROL DUE TO THE STOPPAGE OF THE FLOW OF TRAFFIC IN BOTH DIRECTIONS AS A RESULT IF THE INCIDENT.

I MET WITH SERGEANT ANTHONY TAPIA OF THE SANTA FE POLICE DEPARTMENT WHO DIRECTED ME TO THE SIDE OF THE ROAD WHERE THERE WAS A FEMALE SUBJECT SEATING DOWN AND LATER IDENTIFIED AS MS. KASEY D. WEAVER, WHO WAS BEING ASSISTED BY PARAMEDICS OF THE SANTA FE FIRE DEPARTMENT. SGT. TAPIA ADDED THAT HE HAD DETECTED AN ODOR OF ALCOHOLIC BEVERAGES COMING FROM HER PERSON.

ADDITIONALLY, I LEARNED THAT THERE WAS A MALE SUBJECT WHO WAS INJURED AND HAD ALREADY BEEN TRANSPORTED FROM THE SCENE BY AMBULANCE.

I OBSERVED AS MS. WEAVER WAS ASSISTED TO CLIMB ONTO A GURNEY AND ONTO THE AMBULANCE. I ENTERED THE AMBULANCE AND ASKED WHAT VEHICLE SHE WAS DRIVING. MS. WEAVER INDICATED THAT SHE DROVE THE BLUE, 2002, SATURN. I ASKED MS. WEAVER WHAT HAD OCCURRED AND SHE EXPLAINED THAT SHE WAS TRAVELING ON CERRILLOS ROAD AND HEADED TO I-25 SOUTHBOUND EN ROUTE TO HER RESIDENCE IN ALBUQUERQUE.

MS. WEAVER ADDED THAT AS SHE APPROACHED THE INTERSECTION, SHE NOTED THAT THE TRAFFIC CONTROL LIGHT WAS RED, ATTEMPTED TO STOP AND COLLIDED WITH THE OTHER VEHICLE. I CONSIDERED THAT MS. WEAVER OPERATED HER VEHICLE IN A CARELESS, INATTENTIVE AND IMPRUDENT MANNER.

AS I SPOKE WITH MS. WEAVER, I NOTED THAT HER EYES WERE BLOODSHOT, HER SPEECH SOUNDED SLURRED AND I DETECTED AN ODOR OF ALCOHOLIC BEVERAGES COMING FROM HER BREATH. I ASKED MS. WEAVER HOW MANY DRINKS SHE CONSUMED THROUGHOUT THE ENTIRE DAY. MS. WEAVER ADMITTED DRINKING THREE OR FOUR DRINKS AND THAT SHE CAME FROM AN ESTABLISHMENT KNOWN AS "MEOW-WOLF".

MS. WEAVER WAS LYING ON THE GURNEY FACING UP. THE PARAMEDICS HAD APPLIED A NECK BRACE TO IMMOBILIZE HER HEAD. I ADMINISTERED THE FOLLOWING FIELD SOBRIETY TESTS:

- HORIZONTAL GAZE NYSTAGMUS: DETECTED 6 VALIDATED CLUES.
- VERTICAL NYSTAGMUS: PRESENT

I ASKED MS. WEAVER IF SHE HAD CONSUMED ANY OTHER SUBSTANCES ASIDE FROM ALCOHOLIC BEVERAGES. MS. WEAVER STATED THAT AT ABOUT NOON THAT DAY, SHE HAD TAKEN A PILL OF A DRUG SHE DESCRIBED AS "HYDROXYZINE" FOR THE TREATMENT OF ANXIETY. I ASKED MS. WEAVER HOW MANY MORE SHE TOOK AND MS. WEAVER ADMITTED TAKING A SECOND PILL SOMETIME IN THE AFTERNOON, AND THAT SHE DID NOT REMEMBER WHEN.

- NUMERIC RECITAL: I DIRECTED MS. WEAVER TO RECITE THE NUMBERS FROM 74 TO 52. MS. WEAVER STATED THAT SHE UNDERSTOOD THE TEST AND DID NOT HAVE ANY QUESTIONS. MS. WEAVER RECITED: 74, 75, 76, 77, 78, 79, 80, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72.

BASED ON THE TOTALITY OF THE CIRCUMSTANCES, WHICH WERE:

- THE DRIVING PATTERN OF MS. WEAVER (CRASHING WITH ANOTHER VEHICLE AND AS A RESULT CAUSING INJURIES HER PASSENGER)
- HER PHYSICAL CHARACTERISTICS (STRONG ODOR ALCOHOLIC BEVERAGES, BLOODSHOT EYES),
- HER ADMISSION OF HAVING CONSUMED ALCOHOLIC BEVERAGES AND HYDROXYZINE PRIOR TO OPERATING THE VEHICLE
- THE OBSERVED CLUES DURING THE PERFORMANCE OF THE FIELD SOBRIETY TESTS

I HAD REASON TO BELIEVE THAT, MS. WEAVER 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 16, 2017, AT APPROXIMATELY 8:53 P.M., I PLACED MS. WEAVER UNDER ARREST FOR DWI AND CAUSING INJURIES TO A HUMAN BEING WHILE UNLAWFULLY OPERATING HER MOTOR VEHICLE. MS. WEAVER WAS TRANSPORTED TO THE CHRISTUS SAINT VINCENT'S REGIONAL MEDICAL CENTER.

I READ TO MS. WEAVER THE NEW MEXICO IMPLIED CONSENT ACT ADVISORY FOR A BLOOD TEST AND SHE AGREED TO BE TESTED.

ON APRIL 16, 2017, AT APPROXIMATELY 9:30 P.M., I ADMINISTERED A BLOOD TEST TO MS. WEAVER AND OBSERVED AS MS. MANDY WILLIAMS, A REGISTERED NURSE, DREW APPROXIMATELY 25 CC OF BLOOD EVIDENCE FROM MS. WEAVER'S RIGHT ARM.

I LEARNED THAT THE MALE PASSENGER IN MS. WEAVER'S VEHICLE HAD SEVERE INJURIES TO HIS HEAD AND BRAIN.

ADDITIONALLY, IN ORDER TO BALANCE THE INTERESTS OF MS. WEAVER WITH THOSE OF THE STATE, I CONTACTED JUDGE GEORGE ANAYA 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 MS. WEAVER, AS MATERIAL EVIDENCE IN THE CRIMINAL PROSECUTION OF MS. WEAVER'S CASE. AT APPROXIMATELY 11:30 P.M., ON APRIL 16, 2017, JUDGE ANAYA SIGNED THE AFOREMENTIONED SEARCH WARRANT.

ON APRIL 16, 2017, AT APPROXIMATELY 11:41 P.M., A BLOOD TEST WAS ADMINISTERED TO MS. WEAVER AT THE CHRISTUS SAINT VINCENT'S REGIONAL MEDICAL CENTER, WHERE OFFICER KEITH KUNSTLER OF THE SANTA FE POLICE DEPARTMENT OBSERVED AS MS. CRYSTAL EDKIN, A REGISTERED NURSE, DREW APPROXIMATELY 25 CC OF BLOOD EVIDENCE FROM MS. WEAVER'S RIGHT ARM.

BASED ON THE ABOVE, OFFICER HEINZ DE LUCA BELIEVES THERE IS PROBABLE CAUSE THAT MS. KASEY D. WEAVER DID COMMIT THE CRIMES OF:

- GREAT BODILY INJURY BY VEHICLE  
- CARELESS DRIVING,  
CONTRARY TO NMSA 1978, SECTIONS 66-8-101B AND 66-8-114B.

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 \_\_\_\_\_

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.]