

AMENDED
CRIMINAL COMPLAINT



FILED IN

FEB 27 2017

NO. 17-050088

M-45-FR-2017-00147

STATE OF NEW MEXICO

SANDOVAL

COUNTY

BERNALILLO

CITY

IN THE MAGISTRATE

COURT

-- VS --

Name GRIFFIN

LUKE

MAGISTRATE

STN #:

Arrest Date:

02/24/2017

Address:

Driver Lic #:

City/Zip SANTA FE

NM 87501

Citation #:

D.O.B.:

Arrest #:

S.S.N.:

Docket #:

Date Filed:

CRIME: HOMICIDE BY VEHICLE

(Common name of Offense or Offenses)

The undersigned, under penalty of perjury, complains and says that on or about

02/24/2017

In the County/City of

SANDOVAL

, State of New Mexico, the above named Defendant(s) did:

Contrary to Section 66-8-101C

NMSA 1978.

Offense, Desc: HOMICIDE/GBI BY VEH WHILE DWI

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

Contrary to Section 66-08-102(D)(1) AD1

NMSA 1978.

Offense, Desc: AGGRAVATED DRIVING WHILE UNDER THE INFLUENCE OF INTOXICATING LIQUOR OR ANY DRU

Contrary to Section 66-8-101F

NMSA 1978.

Offense, Desc: RECKLESS DRV CASING D/GBH

Contrary to Section 66-7-301B

NMSA 1978.

Offense, Desc: SPEED 16-20 MPH OVER SPEED LMT

Contrary to Section 66-2-1-11

NMSA 1978.

Offense, Desc: MINOR POSS ALCOHOL OPERATE MV

Contrary to Section 66-8-138

NMSA 1978.

Offense, Desc: OPEN CONTAINER IN MV

AMENDED CRIMINAL COMPLAINT

ON FRIDAY FEBRUARY 24, 2017 AT APPROXIMATELY 2306 HOURS, I, OFFICER LARRY REUTER, WAS ON DUTY IN FULL UNIFORM DISPLAYING MY BADGE OF OFFICE, AND IN A FULLY MARKED NMSP PATROL VEHICLE WITHIN THE COUNTY OF SANDOVAL STATE OF NEW MEXICO. AT THIS TIME I WAS DISPATCHED TO SOUTHBOUND INTERSTATE 25 AT MILEPOST 252 IN REFERENCE TO A MULTIPLE VEHICLE TRAFFIC CRASH. I WAS INFORMED EMERGENCY MEDICAL SERVICES (EMS) WERE ON SCENE TRYING TO EXTRICATE TWO PASSENGERS AND ONE OF THE DRIVERS INVOLVED WAS UNRESPONSIVE. NMSP DISPATCH INFORMED ME ONE OF THE DRIVERS MAY BE UNDER THE INFLUENCE OF INTOXICATING LIQUOR AND OR DRUGS.

AT APPROXIMATELY 2321 HOURS I ARRIVED ON SCENE, I OBSERVED MULTIPLE POLICE CARS FROM DIFFERENT AGENCIES AS WELL AS MULTIPLE AMBULANCES ON SCENE ASSISTING. I OBSERVED TWO VEHICLES RESTING OFF OF THE SOUTHBOUND SHOULDER IN THE DIRT WITH WHAT APPEARED TO BE DISABLING DAMAGE. I ALSO NOTICED A COUPLE OF OTHER VEHICLES PARKED ON THE SIDE OF THE ROADWAY WHO HAD STOPPED TO RENDER AID.

OFFICER VANESSA RAMIREZ WITH THE NEW MEXICO STATE POLICE WAS ON SCENE PRIOR TO MY ARRIVAL AND WAS HANDLING THE CRASH INVESTIGATION. I OBSERVED VEHICLE #1 AS A SILVER 2004 AUDI BEARING NEW MEXICO PLATE [REDACTED] I OBSERVED VEHICLE #2 TO BE A GRAY 2014 NISSAN BEARING COLORADO LICENSE PLATE EQG322 RESTING OFF OF THE ROADWAY WITH HEAVY DISABLING DAMAGE. THE ROOF WAS CAVED IN, BUMPERS WERE TORN OFF, AND PARTS OF THE DOOR WERE GONE.

EMERGENCY MEDICAL PERSONNEL WERE RENDERING AID TO THE DRIVER AND PASSENGER OF NISSAN (VEHICLE #2). THE DRIVER OF VEHICLE 2 WAS MOTIONLESS AND SLUMPED OVER IN THE DRIVER SEAT. I OBSERVED ONE MALE WALKING AROUND THE SCENE WHO STATED HE WAS A WITNESS TO THE ERRATIC DRIVING OF VEHICLE #1. THAT WITNESS PROVIDED A VOLUNTARY WRITTEN STATEMENT OF WHAT HE OBSERVED.

A WITNESS ON SCENE STATED HE OBSERVED THE DRIVER OF THE SILVER AUDI DRIVING OVER 100 MILES PER HOUR AND PASS THEIR VEHICLE IN THE RIGHT SHOULDER OF THE INTERSTATE. A DIFFERENT WITNESS PROVIDED A VERBAL STATEMENT THEY OBSERVED LUKE GRIFFIN EXIT THE AUDI AFTER THE CRASH AND THROW WHAT APPEARED TO BE A LIQUOR BOTTLE OVER A FENCE.

DURING THE COURSE OF THE INVESTIGATION I OBSERVED THE DRIVER OF VEHICLE #1 BEING MEDICALLY RELEASED BY THE MEDICAL PERSONNEL ON SCENE. I OBSERVED THE MALE SUBJECT WHO WAS LATER IDENTIFIED BY HIS NEW MEXICO DRIVER'S LICENSE AS LUKE GRIFFIN. UPON SEEING LUKE GRIFFIN I OBSERVED HIM TO BE STUMBLING AND HAVING A HARD TIME WALKING. AS LUKE CAME CLOSER TO ME I SMELLED A HEAVY ODOR OF AN ALCOHOL BEVERAGE EMITTING FROM HIS PERSON, HIS EYES WERE BLOODSHOT AND WATERY AND HAD SLURRED SPEECH AS HE SPOKE. I ASKED LUKE HOW MANY ALCOHOLIC BEVERAGES HE CONSUMED AND HE STATED HE DRANK THREE BEERS AT APPROXIMATELY 6:00 PM THIS DATE.

BASED ON MY OBSERVATIONS, I ATTEMPTED TO HAVE LUKE SUBMIT TO A SERIES OF STANDARDIZED FIELD SOBRIETY TESTS (SFST'S). I WAS ABLE TO COMPLETE THE HORIZONTAL GAZE NYSTAGMUS TEST, WHICH CONFIRMED SIGNS OF IMPAIRMENT. HOWEVER, DURING THE TEST HE WAS UNABLE TO FOLLOW SIMPLE DIRECTIONS AND KEPT MOVING HIS HEAD DURING THE TEST. I STARTED TO DEMONSTRATE AND INSTRUCT THE WALK AND TURN, BUT DURING THIS TIME LUKE WAS UNABLE TO MAINTAIN HIS BALANCE AND FOLLOW DIRECTIONS. BASED ON LUKE'S STATE OF INTOXICATION AND HIS SAFETY THE SFST'S WERE TERMINATED.

BASED ON MY TRAINING AND EXPERIENCE, I OBSERVED LUKE GRIFFIN TO DISPLAY SIGNS OF IMPAIRMENT. AT APPROXIMATELY 2338 HOURS I PLACED LUKE GRIFFIN UNDER ARREST FOR DRIVING UNDER THE INFLUENCE OF INTOXICATING LIQUOR AND OR DRUGS. I PLACED STEEL HANDCUFFS THAT WERE FITTED AND LOCKED FOR HIS SAFETY. I SEARCHED HIS PERSON AND PLACED HIM IN THE RIGHT REAR SEAT OF MY UNIT. I READ HIM THE NEW MEXICO IMPLIED CONSENT ADVISORY (LOCATED IN MY WALLET), VERBATIM FOR A BREATH SAMPLE AND HE VERBALLY AGREED TO BE TESTED.

I CHECKED THE INTERIOR OF HIS MOUTH TO ENSURE IT WAS FREE AND CLEAR OF ANY FOREIGN MATTER WHICH IT WAS. DURING THE INVESTIGATION IT WAS APPARENT SOMEONE WAS DECEASED THEREFORE IT WOULD BE NECESSARY FOR A BLOOD DRAW. AT APPROXIMATELY 2340 HOURS I READ LUKE GRIFFIN THE NEW MEXICO IMPLIED CONSENT ADVISORY VERBATIM FOR A BLOOD SAMPLE, THE DEFENDANT CONSENTED TO A BLOOD DRAW. HE WAS THEN TRANSPORTED TO NEW MEXICO STATE POLICE OFFICE IN ALBUQUERQUE AND AFTER A 20 MINUTE DEPRIVATION PERIOD (2338-0120 HOURS), LUKE GRIFFIN PROVIDED TWO VALID BREATH SAMPLES INTO THE IR8000 INSTRUMENT SN 80-006652. THE FIRST SAMPLE WAS .22 RECORDED AT 0120 HOURS, THE SECOND SAMPLE WAS .23 RECORDED AT 0122 HOURS. THE RESULTS ARE AT OR ABOVE THE PER SE AGGRAVATED LIMIT OF .16 WITH NO SECONDARY TEST REQUESTED.

TRI-CORE LABORATORIES WAS CONTACTED AND THE BLOOD DRAW WAS CONDUCTED AT THE NEW MEXICO STATE POLICE OFFICE AT APPROXIMATELY 0205 HOURS. THE BLOOD RESULTS ARE PENDING AT THIS TIME, FROM THE SCIENTIFIC LABORATORY DIVISION.

A CHECK OF MR. GRIFFIN'S DRIVING HISTORY IN NCIC RETURNED AS A VALID WITH NO PRIOR DWI ARRESTS/CHARGES MAKING THE ARREST A FIRST OFFENSE.

I LATER LEARNED THE UNIDENTIFIED DRIVER OF VEHICLE #2 DIED AS A RESULT OF INJURIES SHE SUSTAINED DURING THE CRASH. TWO UNIDENTIFIED PASSENGERS WERE TRANSPORTED FROM THE SCENE TO UNMH WITH LIFE THREATENING INJURIES.

MR. GRIFFIN WAS TRANSPORTED TO UNMH IN SANDOVAL COUNTY FOR MEDICAL CLEARANCE. ONCE HE WAS MEDICALLY CLEARED HE WAS TRANSPORTED TO SANDOVAL COUNTY DETENTION CENTER WHERE HE WAS BOOKED AND INCARCERATED WITHOUT INCIDENT.

ON FEBRUARY 26, 2017 AT APPROXIMATELY 1456 HOURS I SPOKE WITH D.A. MAT WADSWORTH TO AMEND THE CHARGES OF THE CRIMINAL COMPLAINT AGAINST LUKE GRIFFIN.

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)

6345

Agency(if any)

NEW MEXICO STATE POLICE

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.]